

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE	)	
PREVENTION OF CRUELTY TO	)	
ANIMALS, <u>et al.</u> ,	)	
Plaintiffs,	)	Civ. No. 03-2006 (EGS)
v.	)	
RINGLING BROS. AND BARNUM	)	
& BAILEY CIRCUS, <u>et al.</u> ,	)	
Defendants.	)	
	)	

**PLAINTIFF AMERICAN SOCIETY FOR PREVENTION  
OF CRUELTY TO ANIMALS' RESPONSES AND  
OBJECTIONS TO DEFENDANTS' FIRST SET OF INTERROGATORIES**

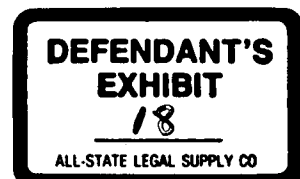
Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff American Society for the Prevention of Cruelty to Animals ("ASPCA") hereby offers the following objections and responses to Defendants' First Set of Interrogatories to the ASPCA.

**DEFINITIONS**

1. As used herein, "irrelevant" means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

**GENERAL OBJECTIONS**

1. The ASPCA's general objections, as set forth herein, are to be considered continuing objections and responses to the specific Interrogatories that follow, even if not referred to in the objection and response to a specific Interrogatory. The ASPCA's



objections and responses given herein shall not be construed to waive or preclude any objections it may later assert.

2. The ASPCA objects to each Definition and Instruction and each Interrogatory to the extent that they are vague, ambiguous, overly broad, unduly burdensome, or seek irrelevant information.

3. The ASPCA objects to each Definition and Instruction and each Interrogatory to the extent that it seeks to impose obligations on the ASPCA beyond the requirements of the Federal Rules of Civil Procedure and any applicable local rules.

4. The ASPCA objects to each Definition and Instruction and each Interrogatory to the extent that it seeks information protected against disclosure by the attorney-client privilege, the work-product doctrine, or any other privilege, immunity, doctrine, or rule of confidentiality. The ASPCA further objects to each Definition and Instruction, and each Interrogatory, to the extent it seeks disclosure of information that would violate the privacy or other rights of individuals.

5. In responding to these Interrogatories, the ASPCA does not waive the foregoing objections or the specific objections that are set forth in the responses to particular requests. In addition, the ASPCA does not concede by responding that the information sought or produced is relevant to the subject matter of this action or is calculated to lead to the discovery of admissible evidence. The ASPCA expressly reserves the right to object to further discovery into the subject matter of these Interrogatories and the right to object to the introduction into evidence of any of the information provided in response to the Interrogatories.

6. Although the ASPCA has exercised due diligence in responding to the Interrogatories, the ASPCA reserves the right to amend or supplement its responses and objections to the Interrogatories if additional or different responsive information is discovered during discovery or otherwise hereafter.

7. Although the ASPCA has exercised due diligence in responding to the Interrogatories, without waiving the foregoing objections or the specific objections set forth in the responses to particular interrogatories, there may be instances in which the ASPCA used an incorrect name or other identifying information with respect to identifying individuals or animals involved in a particular incident that occurred, or it used an incorrect date to describe a particular incident that occurred.

**SPECIFIC OBJECTIONS TO DEFINITIONS**

1. The ASPCA objects to the definition of “describe” to the extent it seeks to impose discovery obligations exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information.

2. The ASPCA objects to the definition of “identify” to the extent it seeks to impose discovery obligations on the ASPCA exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information. In particular, where a business address is available for an individual identified, the ASPCA objects to the instruction to provide a home address on the grounds that it invades personal privacy rights and seeks overly broad and irrelevant information.

**RESPONSES AND SPECIFIC OBJECTIONS**

The ASPCA incorporates herein by reference its Definitions and General Objections with respect to each Interrogatory to which those objections apply, as though fully set forth therein, and no specific objection or response is intended or shall be construed to waive any of those objections. Subject to and without waiving those objections, the ASPCA answers defendants' Interrogatories as follows:

**Interrogatory No. 1:**

Identify each and every person you expect to call as a witness in this case, and state the subject and substance of the person's expected testimony, including all details of which you are aware.

**Objection and Response to Interrogatory No. 1:**

Subject to and without waiving the general objections to these Interrogatories, with one exception, the plaintiffs have not yet determined which persons they expect to call as witnesses in this case. The one exception is that plaintiffs expect to call Tom Rider as a witness in this case. He will testify about the mistreatment of elephants that he witnessed while he worked at Ringling Brothers, and the mistreatment he has observed since he left Ringling Brothers. More specific information about the substance of his testimony are provided in Mr. Rider's answers to Defendants' First Set of Interrogatories directed at Mr. Rider, Nos. 9, 11, 12, 14, 17, 18, and 19, and those answers are hereby incorporated by reference.

**Interrogatory No. 2:**

Identify each person within your organization who has any responsibility for, or authority over, your policy regarding the presentation of elephants in circuses.

**Objection and Response to Interrogatory No. 2:**

The ASPCA objects to this Interrogatory on the grounds that the terms “responsibility,” “authority,” and “policy” are vague and ambiguous. Subject to and without waiving this objection or plaintiffs’ general objections to these Interrogatories, ASPCA states that its policy regarding the presentation of elephants in circuses is as follows:

The ASPCA is opposed to the inherent stress and cruelty to animals used in circus acts. The ASPCA does not believe it is possible to maintain wild and domestic animals on the road for a full circus season without inflicting abuse on the animals. The ASPCA does not believe it is possible to train elephants, big cats, bears and other wild animals to perform circus acts without abuse. While animals continue to be used legally, we will strive to reduce stress and cruelty in all cases.

This Policy is included among the documents produced by the ASPCA in response to defendants’ document production requests at A-00131.

Ed Sayers, President ((212) - 876-7700 (ext. 4603)); Dr. Stephen Zawistowski, Senior Vice President, National Program Office ((212) - 876-7700 (ext. 4401)), Lisa B. Weisberg, Esq., Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisor ((212) - 876-7700 (ext. 4552)), are the persons within the ASPCA who have responsibility for this policy. The ASPCA’s address is: 424 East 92<sup>nd</sup> Street, New York, New York 10128.

**Interrogatory No. 3:**

Identify each person within your organization who had any decision-making responsibility regarding whether to file this lawsuit.

**Objection and Response to Interrogatory No. 3:**

ASPCA objects to this Interrogatory on the grounds that it is vague and ambiguous. Subject to and without waiving this objection, ASPCA states that Dr. Larry Hawk, former President and CEO of the ASPCA, currently president of the Massachusetts Society for the Prevention of Cruelty to Animals: 350 South Huntington Av., Boston, MA 02130 ((617) 541-5101), and Lisa Weisberg (see answer to previous Interrogatory for Ms. Weisberg's address and phone number), had decision-making responsibility regarding whether to file this lawsuit.

**Interrogatory No. 4:**

Identify each of your employees or volunteers who has any training or experience in the treatment of Asian elephants, including but not limited to the use of an ankus or tethering Asian elephants, and describe that training or experience.

**Response:**

None.

**Interrogatory No. 5:**

Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

**Objection and Response to Interrogatory No. 5:**

The ASPCA objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Tom Rider saw mistreatment of elephants virtually every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. This included, but was not limited to, handlers and trainers hitting elephants with bull hooks and other instruments, beating elephants, and keeping the elephants chained for long periods of time, both on and off the train. These incidents are too numerous to describe in detail. In addition, the ASPCA alleges that this kind of mistreatment occurs

each day at Ringling Bros., and for that reason also, the incidents of harm are too numerous to list. Subject to and without waiving the foregoing or general objections to these Interrogatories, the ASPCA provides an answer to this Interrogatory below.

June 4, 1997, Austin, TX - Mr. Rider saw Ringling Bros. handlers use a bull hook to poke and stab elephants.

June 12-15, 1997, Lubbock, TX. Mr. Rider saw handlers hook elephants, and use the bull hook in an abusive way to make the elephants raise their legs.

June 19-22, 1997, Little Rock, ARK. Mr. Rider saw Ringling Bros. handlers doing a lot of hooking and hitting elephants with bull hooks. In Little Rock, the elephants were taken off the train, put into a building, and chained the entire time, except when they were either performing or rehearsing.

June 24-25, 1997, Tulsa, OK. Mr. Rider saw elephants hit and hooked with bull hooks.

June 27-29, 1997, Oklahoma City, OK. Mr. Rider observed handlers hooking, poking, and stabbing elephants with bull hooks. Whenever the handlers came in to clean the elephants, they hooked and hit the animals.

July 3-6, 1997, Memphis, TN. Mr. Rider saw elephants get panicky because fireworks were going off, and the handlers reacted by hitting the elephants with bull hooks to make them settle down.

July 8-9, 1997, Tupelo, Miss. Mr. Rider saw Graham Chipperfield use a bull hook on the elephant Karen – he hooked her under her leg so hard he almost tripped her; other handlers were hooking and poking and stabbing the elephants.

July 11, 1997, Jacksonville, MS. Mr. Rider witnessed handlers Jeff Pettigrew, Franko, Sonny, and others, hooking and hitting elephants with bull hooks.

July 15-27, 1997, Houston, TX. Mr. Rider witnessed the elephants kept chained in a row for most of the time; the only time they were taken outside was to get water.

July 30-August 10, 1997, Dallas, TX. Mr. Rider witnessed handlers hit, stab and poke elephants with bull hooks.

August 15-17, 1997, Ft. Worth, TX. Mr. Rider witnessed the elephants kept inside the building the whole time, with no exercise, chained up. Every time the handlers came in to clean up the elephants, they hooked and hit the elephants with bull hooks.

August 21-24, 1997, New Orleans, LA. Mr. Rider witnessed the elephants kept inside the Superdome the entire time, and he witnessed a lot of hitting and stabbing of the elephants with bull hooks.

August 29-31, 1997, Wichita, KS. Mr. Rider witnessed the elephants kept inside the coliseum the entire time, and whenever the handlers laid the elephants down, they hit them with bull hooks.

Sept. 9-12, 1997, Milwaukee, WI. Mr. Rider witnessed the elephants being hooked and hit with bull hooks. When the handlers came in to clean up the elephants, they would hook and hit the animals with bull hooks.

Sept. 12-14, 1997, Moline, IL. Mr. Rider saw the elephants chained up all day long, except when they were rehearsing or performing. He also saw handlers hook and hit the elephants with bull hooks every day.

Sept 17-21, 1997, Kansas City, MO. Mr. Rider observed that the elephants were kept inside the building, with no exercise, chained the entire time except when they were performing or rehearsing, and they were hooked and hit repeatedly.

Sept. 24-28, 1997, Indianapolis, IN. Mr. Rider witnessed the elephants chained the entire time, except when they went into the arena or to do a show, and he saw handlers hook and hit the elephants whenever they cleaned them.

Oct. 1-5, 1997, Detroit, MI. Mr. Rider saw Jeff Pettigrew hook and hit elephants.

Oct. 8-19, 1997, Boston, MA. Mr. Rider observed that the elephants were inside the entire time and did not get any exercise, they were chained for most of the day, and poked and hit with bull hooks.

Oct. 22-26, 1997, Pittsburgh, PA. Mr. Rider saw Alex Vargas hit the elephants, and the elephants were screaming.

Oct. 29- Nov. 2, 1997, Buffalo, NY. Mr. Rider saw handlers hook and hit elephants repeatedly, when the elephants were being taken on and off the train.

Nov. 5-9, 1997, St. Louis, MO. Mr. Rider saw the elephants hooked and hit when they were being cleaned.

Winter Quarters, 1997, Tampa, FL. Mr. Rider witnessed elephants hit with bull hooks during rehearsals.

Jan. 15-18, 1998, Orlando, FL. Mr. Rider saw Randy Peterson hit elephants with bull hooks.



Jan. 21-25, 1998, Birmingham, AL. Mr. Rider saw elephants hooked and hit with bull hooks.

Jan. 28- Feb. 1, 1998, Asheville, NC. Mr. Rider witnessed handlers hit elephants with bull hooks as they got off the train and as they walked in the snow, to make the elephants walk faster.

Feb. 3-8, 1998, Knoxville, TN. Mr. Rider observed handlers hook and hit elephants.

Feb 11-15, 1998, Greensboro, NC. Mr. Rider observed Randy Peterson hit and hook elephants with bull hooks.

Feb 18-22, 1998, Richmond, VA. Mr. Rider witnessed Andy Weller and Jeff Pettigrew beat the elephants Zina and Rebecca severely; when they were done beating the elephants, Mr. Rider had to use the product "wonder dust" to cover up about 30 hook wounds on Zina, and 20 wounds on Rebecca..

Feb. 25 - March 1, 1998, Knoxville, VA. Mr. Rider witnessed that the elephants were inside the entire time, on chains, except when they were performing or rehearsing.

March 10-15, 1998, East Rutherford, NJ. Mr. Rider witnessed that the elephants were inside the entire time, chained; he saw Randy Peterson beat the elephants Minnie and Kamala with a bull hook.

March 17-23, 1998, Uniondale, NY. Mr. Rider saw handlers hit and hook elephants with bull hooks.

March 27-April 13, 1998, New York City, NY. On the 5<sup>th</sup> floor of Madison Square Garden, Mr. Rider witnessed that the elephants were chained up all day long, except when they were rehearsing or performing. He also saw the elephants hooked, hit, and smacked around by handlers.

April 15-26, 1998, Philadelphia, PA. Mr. Rider witnessed Adam Hill hit and hook elephants with a bull hook.

April 29- May 29, 1998, Providence, RI. Mr. Rider witnessed that the elephants were inside, chained most of the time, and got no exercise. He saw them hooked when they were brought off the train, and hooked and hit when they were being cleaned.

May 5-6, 1998, Springfield, MA. Mr. Rider saw handlers repeatedly hit and hook the elephants with bull hooks, and the elephants were chained most of the time.

May 8-10, 1998, Worcester, MA. Mr. Rider observed that the elephants were inside and chained most of the time, and the handlers hooked and hit the elephants.

May 12-13, 1998, New Haven, CT. Mr. Rider saw Pat Harned beat the baby elephant Benjamin because he was playing with another baby named Shirley. He also saw Harned beat the elephant Karen, when she rattled her chain; Harned beat her for 23 minutes.

May 15-17, 1998, Hartford, CT. Mr. Rider witnessed handlers poke and hit elephants with bull hooks; he saw the baby elephants Benjamin and Shirley hit with bull hooks.

May 23-25, 1998, Hershey, PA. Mr. Rider saw handlers hit elephants with bull hooks.

May 28-31, 1998, Albany, NY. Mr. Rider saw handlers hook and hit elephants with bull hooks.

June 2-3, 1998, Syracuse, NY. Mr. Rider saw the elephants hit and hooked with bull hooks by handlers.

June 5-7, 1998, Rochester, NY. Mr. Rider witnessed handlers hit elephants with bull hooks.

June 11-14, 1998, Washington, KY. Mr. Rider saw handlers hook and hit elephants with bull hooks on the walk going to and from the train, and when the elephants were being cleaning up at night.

June 18-21, 1998, Lubbock, TX. Mr. Rider saw Tony Rodriguez and Randy Peterson hit elephants with bull hooks.

July 1-15, 1998, Phoenix, AZ. Mr. Rider saw elephants hit and hooked by handlers.

July 8 -12, 1998, Fresno, CA. Mr. Rider saw lots of hitting and hooking of the elephants on and off the train.

July 22-26, 1998, Los Angeles, CA. Mr. Rider witnessed handlers hitting elephants on the 3.5 mile walk from the train, and after the elephants arrived at the arena.

July 28 - Aug 4, 1998, Anaheim, CA. Mr. Rider saw Pat Harned and Randy Peterson hit the elephant Lechme with a bull hook.

Aug. 6-9, 1998, Englewood, CA. Mr. Rider observed handlers hooking and hitting elephants during the walk, and during the warm up before the show; he saw handlers hit the elephants with bull hooks behind their legs to make them go faster.

Aug. 12-16, 1998, San Diego, CA. Mr. Rider saw handlers hook and hit elephants on and off the train.

Aug. 25-30, 1998, San Jose, CA. Mr. Rider witnessed elephants struck with bull hooks behind their ears.

Sept. 2-7, 1998, San Francisco, CA. Mr. Rider saw Adam Hill smack an elephant on the trunk, and Robby Costillo stab elephants under their chins to make them raise their trunks up.

Sept. 9-13, 1998, Sacramento, CA. Mr. Rider saw handlers hit elephants when they got off the train and during the long walk to the arena.

Sept. 17-20, 1998, Seattle, WA. Mr. Rider saw the elephants chained for most of the day in a small room, and he saw handlers hit and hook them with bull hooks.

Sept. 22-23, 1998, Spokane, WA. Mr. Rider saw handlers hook and hit elephants on the train and when they went into the show warm up before the show.

Sept. 25-27, 1998, Portland, OR. Mr. Rider witnessed handlers hook and hit the elephants repeatedly on the train, and during warm up.

Sept. 30-Oct. 4, 1998, Salt Lake City, UT. Mr. Rider saw handlers hit the elephants with bull hooks.

Oct. 7 - 18, 1998, Denver, CO. Mr. Rider witnessed elephants hooked and hit with bull hooks.

Oct. 23 - Nov. 1, 1998, Cleveland, OH. Mr. Rider witnessed handlers hook and hit elephants with bull hooks on and off the train.

Nov. 4-15, 1998, Rosemont, IL. Mr. Rider observed Randy Peterson beat the elephant Nicole.

Nov. 17-29, 1998, Chicago, IL. Mr. Rider saw handlers hook and hit elephants with bull hooks.

Dec. 3-6, 1998, Huntsville, AL. Mr. Rider observed handlers hooking and hitting elephants, when they were coming off the train. He saw Adam Hill hit the elephants Karen and Sophie with a bull hook.

Winter Quarters, 1998, Tampa, FL. Mr. Rider saw the elephants chained the majority of the time, even though this is the only time during the year when they are not on the road performing.

Dec. 26, 1998 - Jan 3, 1999, Miami, FL. Mr. Rider witnessed handlers hooking and hitting elephants to get them into the arena. He saw a handler named Scott hit elephants with a bull hook.

Jan. 7-10, 1999, Sunrise, FL. Mr. Rider witnessed daily hooking and hitting of elephants.

Jan 14-18, 1999, Jacksonville, FL. Mr. Rider saw elephants hit with bull hooks.

Jan. 21-24, 1999, North Charleston, SC. Mr. Rider witnessed handlers hooking and hitting elephants with bull hooks repeatedly.

Jan. 28-31, 1999, Macomb, GA. Mr. Rider saw elephants hit with bull hooks every day; if they did not do something right, they got hooked and hit.

Feb. 2-3, 1999, Augusta, GA. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 5-7, 1999, Columbia, SC. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 10-14, 1999, Raleigh, NC. Mr. Rider witnessed handlers hit and hook the elephants with bull hooks.

Feb. 17-21, 1999, Charlotte, NC. Mr. Rider saw handlers hit the elephants with bull hooks when they were getting the animals off the train and during the walk.

Feb. 25-28, 1999, Fayetteville, NC. Mr. Rider saw the elephants hooked and hit repeatedly by handlers.

March 3-7, 1999, Cincinnati, OH. Mr. Rider saw the elephants hit with bull hooks as they got off the train, and as they were walked down and put in tents; Mr. Rider saw Randy Peterson hit the elephant Nicole on the head with a bull hook.

March 10-21, 1999, Baltimore, MD. Mr. Rider witnessed the elephants hit with bull hooks.

March 24-28, 1999, Washington, DC. Mr. Rider observed handlers hook and hit elephants inside the arena, and he saw Pat Harned beat the baby elephant Benjamin.

April 16-18, 1999, Landover, MD. Mr. Rider saw handlers hit elephants with bull hooks.

April 22-25, 1999, Charleston, WV. Mr. Rider witnessed handlers hook elephants as they took them off the train; he also saw handlers hit elephants with bull hooks inside the arena, and when the elephants went into the show, and he saw handlers beat the elephants with bull hooks behind their legs.

April, 1999, Chattanooga, TN. Mr. Rider witnessed handlers beat elephants named Sophie and Karen; and he also saw a severe beating of the elephant Nicole.

May 5-8, 1999, Tulsa, OK. Mr. Rider observed handlers hooking elephants as they took them off the train, on the walk, and when they got to the arena.

May 12-16, 1999, San Antonio, TX. Mr. Rider saw Adam Hill beat the elephants with bull hooks.

May 26-30, 1999, Ft. Wayne, IN. Mr. Rider saw elephants hooked and hit on the walk; it was raining, and the handlers were smacking the elephants to make them go faster.

June 2-6, 1999, Columbus, OH. Mr. Rider again saw handlers hook and hit elephants on the train, before the animals went into the show, and whenever the animals did not do something right.

June 9-13, 1999, Toledo, OH. Mr. Rider saw handlers hook and hit elephants on the train, and when the animals were being taken off the train.

June 23-27, 1999, Ottawa, Ontario, Canada. Mr. Rider saw Adam Hill, Pat Harned, and Randy Peterson beat the elephants with bull hooks, to get them back in the pen.

July 2-11, 1999, Toronto, Ontario, Canada. Mr. Rider saw elephants hit with bull hooks.

July 16-25, 1999, Houston, TX. Mr. Rider saw Pat Harned hit Benjamin with a bull hook, and he saw handlers hit and hook the other elephants as well.

Aug. 11-15, 1999, Ft. Worth, TX. Mr. Rider witnessed handlers hook and hit elephants with bull hooks.

Aug. 18-22, 1999, Colorado Spring, CO. Mr. Rider saw handlers hit elephants with bull hooks.

Aug, 26-29, 1999, Wichita, KS. Mr. Rider witnessed handlers hitting elephants with bull hooks.

Sept. 2-5, 1999, Moline, IL. Mr. Rider saw elephants hooked and hit repeatedly, on the train and before the show.

Sept. 8 -27, 1999, Kansas City, MO. Mr. Rider saw lots of hooking and hitting of elephants with bull hooks.

Sept. 15-19, 1999, Indianapolis, IN. Mr. Rider saw elephants hit and hooked with bull hooks.

Sept. 22-25, 1999, Grand Rapids, MI. Mr. Rider saw elephants hooked and hit with bull hooks; he saw Randy Peterson beating elephants.

Sept. 30-Oct. 3, 1999, Buffalo, NY. Mr. Rider saw lots of hooking and hitting of elephants.

Oct. 7-10, 1999, Detroit, MI. Mr. Rider witnessed hooking and hitting of the elephants.

Oct. 15-24, 1999, Boston, MA. Mr. Rider observed a handler named James, who came up from the Ringling Bros. breeding farm in Florida, hit an elephant with a bull hook. There were five baby elephants there, and Mr. Rider saw Gary Jacobson and Dave Whaley hitting and hooking the baby elephants.

Oct. 27-31, 1999, Pittsburgh, PA. Mr. Rider again saw handlers hit and hook elephants with bull hooks.

Additional incidents when Ringling Bros. employees harmed one or more of their elephants are recorded on videotapes that plaintiffs are producing in response to the defendants' document production request. They were observed by several people, including one or more of the following videographers:

Deniz Bolbol	P.O. Box 5656 Redwood City, CA 94063 650-654-9955
Kindall Cross	WTAE-TV 400 Ardmore Blvd. Pittsburgh, PA 15221 412-242-4300
Joseph Patrick CuvIELLO	P.O. Box 2834 Redwood City, CA 94064 650-369-5533
Tracey DeMartini	245-M Mt. Hermon Rd. #276 Scotts Valley, CA 95066 510-601-1807
Pat Derby	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809

Chris Green                      Defenders of Animal Rights in Tulsa  
7107 S. Yale Ave.  
Tulsa, OK 74136

Barbara Grove                      650-430-0989

Alfredo Kuba                      500 W. Middlefield Rd, #178  
Mountain View, CA 94043  
650-965-8705

Tom Rider                      c/o 706 Taft  
Washington, IL 61571  
309-444-3782

Ed Stewart                      Performing Animal Welfare Society  
P.O. Box 849  
Galt, CA 95632  
209-745-1809

Those incidents include the following:

Cow Palace  
Daly City, CA  
2000                      Troy Metzler hit elephants with bull hooks  
Dave Whaley hooked elephants with a bull hook, hit  
elephants on legs; Dave Whaley used a leatherman/knife to  
clip an elephant on its side;  
Elephants were chained most of the time

San Jose, CA  
2000                      Handlers hit elephants, including babies, with bull hooks  
under their chins; Brian Christiani jabbed elephants with a  
bull hook

Tulsa, OK  
Jan. 5, 2001                      Sonny hooked an elephant; Sara Houcke jabbed an elephant  
with a bull hook

San Jose, CA  
2001                      Handlers hit elephants with bull hooks

Aug./ Sept. 2001  
Daly City, CA.                      Handlers, including Rick Bogar hit elephants with bull  
hooks; Mark Gebel used a bull hook on elephants

Nov. 1, 2001 Pittsburgh, PA.	Handlers Troy Metzler and Sonny hit elephants with bull hooks
Tulsa, OK. 2000	Robert Ridely ("Sonny") got a bull hook stuck in an elephant's mouth
Oakland, CA Aug. 18, 2002	Troy Metzler hit elephants with bull hooks; The baby elephant named Doc was chained and exhibiting stereotypic behavior
Daly City, CA Aug. 25, 2002	Jeff Pettigrew stuck a bull hook in an elephant's mouth and twisted it
San Jose, CA Aug. 25, 2002	Troy Metzler used a bull hook in the mouth of an elephant; and hooked the baby elephant named Doc
Oakland, CA 2000	Sonny and Brian Christiani hit elephants with bull hooks
San Jose, CA August 21, 2002	Jeff Pettigrew jabbed elephants with a bull hook
September 3, 2002	Troy Metzler hit elephants with a bull hook, and grabbed the trunk of an elephant with a bull hook
Daly City, CA Aug. 26, 2002	A handler hit the baby elephant Angelica under the chin with a bull hook
San Jose, CA Aug. 24, 2004	A handler jabbed an elephant's foot with a bull hook; a handler grabbed an elephant with a bull hook
San Jose, CA 2001	Handlers jabbed and hit elephants with bull hooks
Daly City, CA 2001	Rick Bogar hit an elephant with a bull hook



Sacramento, CA 1999	Roy Wells jabbed an elephant with a bull hook
Daly City, CA 1999	A handler hooked an elephant on the ear
San Jose, CA 1998	Sonny jabbed an elephant with a bull hook
Atlanta, GA. Feb. 21, 2002	Handlers grabbing elephants behind ears with bull hooks
Daly City, CA 2001	Bogar used a bull hook on an elephant
San Jose, CA Aug. 25, 2002	Handlers hooked elephants in their mouths
Sacramento, CA Sept., 2002	A handler hooked a baby elephant on its trunk and jabbed it under its chin
Oakland, CA Aug. 21, 2003	Handlers used bull hooks on elephants; a handler stepped on the trunk of an elephant and hit an elephant with a bull hook
San Jose, CA Sept. 5, 2003	A handler hooked and jabbed elephants; Bogar hit an elephant on its trunk with a bull hook; Sasha Houke used a bull hook on elephants
Daly City, CA Sept., 2003	Alex Petrov jabbed an elephant with a bull hook
Reno, NV. Sept., 2003	Handlers pulled elephants with bull hooks; jabbed elephants with bull hooks

Addition incidents of harm include the following:

Additional incidents of beatings, hitting of elephants with bull hooks and other instruments, and prolonged chaining, witnessed by Kelly Tansy, when he worked for Ringling Bros.: 1829 West Gardner, Spokane, WA 99201 (509) 327-5988

Madison Square Garden, NYC - Spring, 1984 or 1985: In the evening, a New York City police officer, Joe Pentangelo, witnessed the beating of a chained elephant with a shovel for 5-10 minutes. Mr. Pentangelo currently works for the ASPCA, 424 92<sup>nd</sup> Street, New York, New York 10128-6804 (212) 876-7700.

Mexico, 1998 - During the off-loading of elephants, Gunther Gebel-Williams struck two baby elephants in the face with a whip, witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

Mexico, 1998 - During a performance, Gunther Gebel-Williams struck elephants - witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

October, 2002 - Auburn Hills, Michigan - A Ringling Bros. handler struck an elephant with a metal rod behind her front leg, witnessed by Doreen Rudnick, 6832 Fredmoor Street, Troy, MI 48098.

In further response to this Interrogatory, the ASPCA hereby incorporates by reference the specific incidents set forth in the sworn affidavit that Mr. Rider provided to the United States Department of Agriculture on July 20, 2000 which is being provided by Mr. Rider in response to defendants' document production request to Mr. Rider. The ASPCA also incorporates by reference all of the information that is contained in the report prepared by the ASPCA, the Fund for Animals, and the Animal Welfare Institute, entitled: "Government Sanctioned Abuse: How the United States Department of Agriculture Allows Ringling Brothers Circus to Systematically Mistreat Elephants" (September 2003) (hereinafter referred to as the "USDA Report"). That document is also being produced by plaintiffs in response to defendants' document production requests. The ASPCA further incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Bros. personnel striking elephants with bull hooks, brooms, and other instruments, and keeping the elephants chained for long periods of time, as

recorded on the videotapes that plaintiffs are producing in response to defendants' document production requests.

**Interrogatory No. 6:**

Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have "taken" an elephant within the meaning of the Endangered Species Act.

**Objection and Response to Interrogatory No. 6:**

The ASPCA hereby incorporates the same objections and response that it made with respect to Interrogatory No. 5. In addition, Ringling Bros. "takes" both the adult and baby elephants when it removes baby elephants from their mothers and other members of their families.

**Interrogatory No. 7:**

State the date on which you first became aware of defendants' alleged mistreatment of Benjamin, and describe each incident thereafter in which you contend that Benjamin was mistreated.

**Response to Interrogatory No. 7:**

The ASPCA does not recall when it first became aware of defendants' mistreatment of Benjamin, but believes it was some time in 1999, or early 2000.

**Interrogatory No. 8:**

State the date on which you first became aware of defendants' alleged mistreatment of Kenny, and describe each incident in which you contend that Kenny was mistreated.

**Response to Interrogatory No. 8:**

The ASPCA does not remember when it first learned of defendants' alleged mistreatment of Kenny, but believes it was sometime in 1999 or early 2000. The facts concerning at least one incident of severe mistreatment, resulting in Kenny's death, are recounted in Chapter II of the USDA Report, which is hereby incorporated by reference.

In addition, because plaintiffs contend that Ringling Bros. handlers routinely hit the elephants with bull hooks and other instruments, keep them chained for most of the day, and forcibly separate baby elephants from their mothers, ASPCA believes that Kenny was probably mistreated many times by Ringling Bros. before he died in January, 1998.

**Interrogatory No. 9**

State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants' juvenile elephants as a result of defendants' practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants' juvenile elephants was injured as a result of its separation from its mother.

**Objection and Response to Interrogatory No. 9:**

The ASPCA objects to this Interrogatory on the ground that it is unduly burdensome and oppressive. Because Ringling Bros. officials admitted that these separation practices are "routine," the ASPCA contends that this kind of physical injury has probably occurred every time baby elephants have been separated from their mothers by Ringling Bros., including all the times this was done before the Doc and Angelica incident, as well as all the times it has been done since that incident. In addition, each time a baby elephant is separated from his or her mother, both the baby and the mother suffer psychological, emotional, and behavioral emotional injury, so this would have occurred every time Ringling Bros. separated babies from their mothers. However, it is too burdensome and oppressive for the ASPCA to determine and describe each of those incidents in response to this Interrogatory.

Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, the ASPCA states that it does not remember when it first learned about injuries suffered by juvenile elephants as a result of defendants' "separation"

practices, but believes it was sometime in 1999. The facts surrounding that particular incident are included in Chapter IV of the USDA Report and are hereby incorporated by reference.

**Interrogatory No. 10:**

Describe each complaint or report that you, any of your employees or volunteers, or anyone speaking on your behalf has made to defendants directly about the way that defendants' elephants are or were treated.

**Objection and Response to Interrogatory No. 10:**

The ASPCA objects to this Interrogatory on the ground that it would be unduly burdensome and oppressive for the ASPCA to ascertain each time one of its employees or volunteers made a complaint to defendants about the way that defendants' elephants are or were treated. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, the ASPCA states that, on behalf of the ASPCA, Meyer & Glitzenstein sent a notice letter to defendants on April 21, 2001, which incorporated by reference previous notice letters sent to defendants by Meyer & Glitzenstein on December 21, 1998 and November 15, 1999. All of these notice letters speak for themselves and, although defendants already have copies of them, they are being produced by plaintiffs in response to defendants' document production request.

**Interrogatory No.11:**

State each and every U.S. jurisdiction in which you have or have had official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present. Describe the nature of the official duties, any complaints or reports you received about your enforcement of those statutes or ordinances, and the outcome or result of those complaints or reports.

**Objection and Response to Interrogatory No. 11:**

ASPCA objects to this Interrogatory on the grounds that it is vague and ambiguous. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, the ASPCA states that its peace officers have jurisdiction in New York State to investigate complaints made by the public or government officials and entities of possible violations of the state animal cruelty laws (Article 26 of the state agriculture and markets law), the New York City carriage horse ordinance, and health code violations. The ASPCA also inspects animals, including animals used in circuses, rodeos, and other animal activities. The ASPCA has not received any complaints regarding its enforcement of these statutes or ordinances.

**Interrogatory No. 12:**

Describe each inspection that you have conducted of Defendants in the course of any official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present, including the names of inspectors who conducted each inspection.

**Objection and Response to Interrogatory No. 12:**

The ASPCA objects to this Interrogatory on the ground that it is overly broad, burdensome, and oppressive, because the ASPCA cannot recall all of the details required by defendants' definition of "describe" for its response to this Interrogatory. However, subject to and without waiving the foregoing or general objections to these Interrogatories, the ASPCA hereby incorporates by reference the inspection reports that it is producing from its Humane Law Enforcement Department, in response to defendants' document production request No. 9.

**Interrogatory No. 13:**

Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

**Objection and Response to Interrogatory No. 13:**

The ASPCA objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Mr. Rider saw elephants chained for "long periods of time, up to 20 hours a day," almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. It is impossible for the ASPCA to describe each such incident. The ASPCA also contends that Ringling Bros. continues to chain its elephants for "long periods of time, up to 20 hours a day longer." Accordingly, it is impossible for the ASPCA to describe each such incident, because this occurs on a daily basis. Nevertheless, subject to, and without waiving, the foregoing or general objections to these Interrogatories, the ASPCA provides the following additional answer to this Interrogatory:

Each and every elephant Mr. Rider named in response to Interrogatory No. 18 (that was directed to him), as well as each of the other elephants with whom he traveled with the Blue Unit from June 3, 1997 to November 25, 1999, was chained for long periods of time, up to 20 hours a day, and longer when the elephants were traveling. For example, when Ringling Bros. performs at Madison Square Garden, the elephants are chained on the 5<sup>th</sup> floor the entire time, except when they are either rehearsing or performing. They are always chained at night, they are chained when they are eating, and they are chained when they are on the train. Because this is standard practice for Ringling

Bros., the ASPCA contends that all of the elephants currently in the Red Unit and the Blue Unit are chained this way, day and night.

There are incidents of chained elephants depicted in the videotapes that plaintiffs are producing, and there are additional descriptions of elephants being chained that are reflected in other documents that plaintiffs are producing, including, but not limited to the USDA Report that is referenced herein. All of those materials are incorporated here by reference.

**Interrogatory No. 14:**

Define “stereotypic behavior” as you use that term in the complaint and state the source of or basis for your definition.

**Response to Interrogatory No. 14:**

Stereotypic behavior is repetitive behavior patterns, with no obvious goal or function, that are typically associated with an animal whose natural behavioral drives are impeded because of the way the animal is either treated or confined. See Georgia J. Mason (1991) Stereotypes: a critical review, *Animal Behaviour* 41, 1015-1037.

**Interrogatory No. 15:**

Describe each incident in which you contend that one of defendants’ elephants has exhibited “stereotypic behavior,” including the name of the elephant allegedly involved.

**Objection and Response to Interrogatory No. 15:**

The ASPCA objects to this interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Mr Rider saw defendants’ elephants exhibit stereotypic behavior virtually every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. It is impossible for the ASPCA to describe each such incident. In addition, the ASPCA contends that the Ringling Bros. elephants continue to



exhibit stereotypic behavior every day, and it is impossible for the ASPCA to describe each such incident. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, the ASPCA provides the following additional answer to this Interrogatory:

Often, the elephants rock back and forth and sway continuously. The ASPCA contends that the elephants behave this way because they are mistreated and live in confinement.

Incidents of elephants exhibiting stereotypic behavior are recorded on the videotapes that plaintiffs are producing in response to defendants' document production requests, and there are additional incidents recorded in the USDA Report which plaintiffs are also producing. Further incidents are reflected in additional materials that are being produced by plaintiffs in response to defendants' document production requests. All of these incidents are hereby incorporated by reference. Other incidents are described in response to Interrogatory No. 5 above, and that response is also incorporated here by reference.

**Interrogatory No. 16:**

Describe every communication that you, any of your employees or volunteers, or any person acting on your behalf or at your behest has had with any current or former employee of defendants since 1996.

**Objection and Response to Interrogatory No. 16:**

The ASPCA objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and to the extent that it calls for information that is protected by the Attorney-Client privilege or the work product privilege. Subject to and without waiving this and the ASPCA's general objections to these Interrogatories, the ASPCA states that

the only current or former employee of defendants with whom anyone at the ASPCA has had any communication is Tom Rider, a co-plaintiff in this litigation. Lisa Weisberg has had numerous such communications with Mr. Rider, but those communications are protected by the attorney-client relationship. In addition, Ms. Weisberg has had conference calls with Mr. Rider, the other plaintiffs, and plaintiffs' attorneys. All of those communications are also protected by the attorney-client privilege. In addition, individuals from the ASPCA's media department have had communications with Mr. Rider during 2001 - 2003, concerning his efforts to educate the public about Ringling Bros.'s treatment of Asian elephants. Those individuals include: Brigid Fitzgerald, Manager, Media Relations and Advertisements, 424 East 92<sup>nd</sup> Street, New York, New York 10128, ((212) 876-7700 (ext.4662)); Patricia Jones, Vice President, Media Relations and Advertisements ((212) 876-7700 (ext. 4659)); and Robin Walker, Media Relations for the D.C. Office (now closed), 1775 Massachusetts Ave., N.W., Washington, D.C. 20036. In addition, Mr. Rider also met with Dr. Larry Hawk, former President and CEO of the ASPCA. sometime during 2001-2002 to discuss the lawsuit; and he also met with Dale Riedel, Vice President, Humane Law Enforcement ((212) 876-7700 (ext. 4459)) to discuss Ringling Bros.'s treatment of elephants. Additional information responsive to this Interrogatory is included in documents being produced in response to defendants' document production request, which is hereby incorporated by reference.

**Interrogatory No. 17:**

Describe any and all positions you have taken, held, or espoused as regards the presentation of elephants in circuses, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

**Objection and Response to Interrogatory No. 17:**

The ASPCA objects to this Interrogatory on the grounds that it is vague, ambiguous, unduly burdensome, overly broad, and calls for irrelevant information. Subject to and without waiving these and the ASPCA's general objections to these Interrogatories, the ASPCA states that the only "positions" it has taken regarding the presentation of elephants in circuses are reflected in documents that the ASPCA is producing in response to defendants' document production requests Nos. 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 22, 24, 25, 26, 27, 28, 29, 30, 31, 33, and 34, and such information is hereby incorporated by reference. Additional information that is responsive to this Interrogatory may also be contained in documents that are being produced collectively by the organizational plaintiffs in response to defendants' document production request. All such information is also hereby incorporated by reference.

**Interrogatory No. 18:**

Describe any and all positions you have taken, held, or espoused as regards the use of ankuses to train, handle, or care for elephants, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

**Objection and Response to Interrogatory No. 18:**

The ASPCA hereby incorporates the same objections and response to Interrogatory No. 17 above.

**Interrogatory No. 19:**

Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Brothers. and Barnum & Bailey Circus.

**Objection and Response to Interrogatory No. 19:**

The ASPCA objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, oppressive, seeks irrelevant information, and to the extent that it also seeks information that is protected by the attorney-client and work product privileges. Subject to and without waiving these and the general objections to these Interrogatories, the ASPCA states that Lisa Weisberg has had numerous conversations with the other organizational plaintiffs and their attorneys, all of which are privileged under the attorney-client and work product privileges. Ms. Weisberg has also had conversations with individuals from the following organizations: the Elephant Sanctuary, People for the Ethical Treatment of Animals, the World Society for the Protection of Animals, the Animal Protection Institute, Performing Animal Welfare Society, and the Massachusetts Society for the Prevention of Cruelty to Animals. Additional information responsive to this Interrogatory is reflected in the documents that the ASPCA is producing in response to defendants' document production request Nos. 5, 6, 8, 9, 13, 14, 19, 20, 22, 27, 33, 34, which are hereby incorporated by reference.

**Interrogatory No. 20:**

Describe each communication in which any person, other than defendants or their employees, has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

**Objection and Response to Interrogatory No. 20:**

The ASPCA objects to this Interrogatory on the ground that it is vague and ambiguous. In particular, the ASPCA does not know what is meant by the term "positive things." However, without waiving this objection and the general objections to these Interrogatories, the ASPCA states that the answer to this Interrogatory is:

None.

**Interrogatory No. 21:**

Identify each resource you have expended from 1997 to the present in “advocating better treatment for animals held in captivity, including animals used for entertainment purposes” as alleged in the complaint, including the amount and purpose of each expenditure.

**Objection and Response to Interrogatory No. 21:**

The ASPCA objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and oppressive and calls for confidential proprietary financial information. Subject to and without waiving this objection and the general objections to these Interrogatories, the ASPCA responds as follows:

1997: (see attached Form 990)

10% of salaries, benefits, and support expenses of Government Affairs New York and DC Offices: \$265,000 + \$220,000 = \$48,000

Communications (*Animal Watch*  
@ \$3,000/page) \$ 4,500

Total for 1997: \$52,500

1998: (see attached Form 990)

10% of salaries, benefits, and support expenses of Government Affairs New York and DC Offices: \$100,000 + \$100,000 = \$20,000

Supporting expenses (5% of \$567,000) \$28,000

California circus ad  
(see letter of 6/29/98 to Alan Berger) \$ 1,000

Humane Law Enforcement investigations  
(8/4/98; 8/31/98) \$ 500

Communications (*Animal Watch* articles  
@ \$ 3,000/page) \$4500

Total for 1998: \$54,000

1999: (see attached Form 990)

10% of salary and benefits of Gov't Affairs  
NY and DC staff

\$ 165,000 + \$150,000 = \$30,000

10% of supporting expenses \$220,000 = \$22,000

Humane Law Enforcement investigations  
(3/23; 3/24; 3/29) \$ 750

Communications (*Animal Watch* articles  
@ \$3,000/page) \$ 4500

Total for 1999: \$57,250

2000:

10% of salary and benefits of Gov't Affairs NY, DC staff;  
5% Midwest staff

\$248,288 + \$152,563 + \$75,000 = \$47,235

10% of supporting expenses \$ 4,000

Communications (*Animal Watch* articles  
@ \$3,000/page) \$ 4500

Total for 2000: \$55,735

2001:

10% of salary and benefits of Gov't Affairs NY, DC staff;  
5% Midwest staff

\$276,000 + \$238,000 + \$73,000 = \$55,000

10% of supporting expenses \$ 11,000

July 9, 2001 payment to Jungle Friends  
Sanctuary (building cages for  
rescued monkeys) \$ 2,500

October 13, 2001 payment to Mindy's  
 Memory Primate Sanctuary  
 (capital improvements; monkey house, cages) \$ 2500

Payment to Meyer & Glitzenstein  
 re Ringling lawsuit \$ 9,000

GREY2K USA (greyhound racing efforts) \$ 8,000

Humane Law Enforcement investigations  
 (4/2) \$ 250

Media Relations (15% of staff time) \$ 45,000

Communications (*Animal Watch* articles  
 @ \$3,000/page) \$ 4500

Total for 2001: \$137,750

2002:

10% of salary and benefits of Gov't Affairs NY, Midwest  
 and CA Midwest staff

\$323,000 +116,000 = \$43,000

10% of supporting expenses \$ 8,000

Florida pig gestation crate initiative \$25,000

WSPA circus ad campaign in Boston \$ 6,000

Florida greyhound ad (Tallahassee  
 Democrat) \$ 1,000

Florida lobbying on greyhound bills  
 (GREY2K) \$ 4,000

Meyer & Glitzenstein \$10,151

Humane Law Enforcement investigations  
 (3/21) \$ 250

Media Relations  
 - 10% of staff time \$ 30,000  
 - Production of video news release

and dubs of tapes about lawsuit	\$ 6,000
- faxing press releases	\$ 5,000
- PR Newswire posting press release	\$ 4,000
- Tapes of Ringling Bros' news stories	\$ 2,000
- Misc. expenses (long distance calls, faxing, fedex)	\$ 5,000

Communications ( <i>Animal Watch</i> articles @ \$3,000/page)	\$ 4500
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Total for 2002:	\$153,901
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2003:

10% of salary and benefits of Gov't Affairs NY, Midwest and CA Midwest staff

\$415,000 + \$170,000 =	\$58,500
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10% of supporting expenses	\$ 8,000
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Meyer & Glitzenstein (Ringling law suit)	\$16,268
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The Victory Group (greyhound lobbying efforts in MA)	\$ 15,000
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Dave Hatch (professional signature gathering for Denver ballot Initiative to ban exotic animal acts)	\$ 1,000
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Humane Law Enforcement inspections (7/17)	\$ 250
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Media Relations (5% of staff time)	\$ 15,000
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Communications ( <i>Animal Watch</i> articles @ \$3,000/page)	\$ 4500
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Total for 2003:	\$118,518
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2004:

10% of salary and benefits of Gov't Affairs NY, Midwest, CA staff	\$30,000
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10% of supporting expenses	\$ 4,000
Meyer & Glitzenstein	\$ 5,000
Media Relations (5% pf staff time to date)	\$15,000
Total for 2004 to date:	\$54,000
Total Resources Expended 1997 to the present:	\$683,654

**Interrogatory No. 22:**

Identify each expenditure from 1997 to the present of “financial and other resources” made while “pursuing alternative sources of information about defendants’ actions and treatment of elephants” as alleged in the complaint.

**Objection and Response to Interrogatory No. 22:**

The ASPCA objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and calls for confidential financial information. Subject to and without waiving these and the general objections to these Interrogatories, the ASPCA states the following:

In 2000, the ASPCA spent about 5% of the time and benefits of the head of its D.C. Office, Nancy Blaney, as well as 5% of the overhead for that office gathering information from other organizations about Ringling Bros.’ treatment of Asian elephants, culminating in the ASPCA’s decision to become co-plaintiffs in this action: approximately \$13,000.

In 2001, the ASPCA gave The Wildlife Advocacy Project a grant for \$7,400 for public education about Ringling Bros.’s mistreatment of Asian elephants.

In 2002, the ASPCA spent a percentage of the salary and benefits for Lisa Weisberg – approximately \$12,000; plus \$ 7,568 for Freedom of Information Act litigation to obtain

documents from the USDA concerning Ringling Bros.' treatment of Asian elephants, and \$ 18,186 for public education expenses, for a total of \$37,754.

In 2003, the ASPCA spent a percentage of Ms. Weisberg's salary and benefits – approximately \$ 14,000; plus \$10,227.11 for Freedom of Information Act litigation, follow-up on the compilation of the USDA Report, for a total of \$24,227.11.

In 2004, to date, the ASPCA spent a percentage of Ms. Weisberg's salary and benefits – approximately \$ 1,000; plus \$ 419.69 for Freedom of Information Act litigation follow-up to obtain documents from the USDA concerning Ringling Bros.'s treatment of Asian elephants, for a total of \$1,419.69.

Total for expenditures to pursue alternate sources of information: \$83,800.80

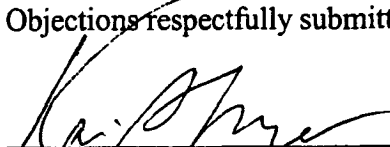
**Interrogatory No. 23:**

Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

**Objection and Response to Interrogatory No. 23:**

The ASPCA objects to this Interrogatory on the ground that the plaintiffs have already provided this basic information with their initial disclosures, and to provide further details at this point would reveal the work product of their attorneys. Subject to and without waiving the foregoing or general objections to these Interrogatories, the ASPCA states that the subject and substance of the testimony that Tom Rider will provide is described in Mr. Rider's answers to the Interrogatories directed to him.

Objections respectfully submitted by:



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Katherine A. Meyer  
(D.C. Bar No. 244301)  
Eric R. Glitzenstein  
(D.C. Bar No. 358287)  
Kimberly D. Ockene  
(D.C. Bar No. 461191)

Meyer & Glitzenstein  
1601 Connecticut Ave., N.W.  
Suite 700  
Washington, D.C. 20009  
(202) 588-5206

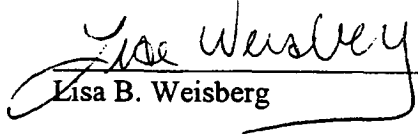
Date: June 9, 2004

**VERIFICATION**


CITY OF NEW YORK )  
 )  
 )  
STATE OF NEW YORK )

LISA B. WEISBERG, being duly sworn, says:

I am employed by the American Society for the Prevention of Cruelty to Animals (“ASPCA”) as the Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisory. The ASPCA is a plaintiff in this case. I have read the foregoing objections and responses to Defendants’ First Set of Interrogatories to Plaintiff ASPCA and know the contents thereof; and, upon information and belief, said Objections and Responses are true and correct.

  
\_\_\_\_\_  
Lisa B. Weisberg

Sworn to before me this  
11<sup>th</sup> day of June, 2004

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

**CORI A. Menkin**  
**Notary Public, State of New York**  
**No. 02ME6070020**  
**Qualified in Westchester County**  
**Commission Expires February 19, 2006**

\_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS, et al.,

Plaintiffs,

v.

RINGLING BROS. AND BARNUM  
& BAILEY CIRCUS, et al.,

Defendants.

Civ. No. 03-2006 (EGS)

**PLAINTIFF AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO  
ANIMALS' SUPPLEMENTAL RESPONSES AND OBJECTIONS TO  
DEFENDANTS' INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff American Society for the Prevention of Cruelty to Animals ("ASPCA") hereby offers the following supplemental objections and responses to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals.

**DEFINITION**

1. As used herein, "irrelevant" means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

**GENERAL OBJECTIONS**

1. ASPCA hereby incorporates by reference both the general and specific objections that it made to Defendants' First Set of Interrogatories, as well as its objections to defendants' definitions of "describe" and "identify."

2. ASPCA further objects to each Definition and Instruction, and each Interrogatory, to the extent it seeks disclosure of information that would violate any of the First Amendment rights of organizations or their members.

**RESPONSES AND SPECIFIC OBJECTIONS**

ASPCA incorporates herein by reference its Definitions and General Objections with respect to each Interrogatory to which those definitions and objections apply, as though fully set forth therein, and no specific objection or response is intended or shall be construed to waive any of those objections. Subject to and without waiving those objections, ASPCA supplements its answers to defendants' Interrogatories as follows:

**Interrogatory No. 1:** Identify each and every person you expect to call as a witness in this case, and state the subject and substance of the person's expected testimony, including all details of which you are aware.

**Supplemental Response to Interrogatory No. 1:**

Subject to and without waiving the general objections to these Interrogatories, ASPCA supplements the answer to this Interrogatory by stating that plaintiffs also expect to rely on incidents recounted by Tom Rider in the deposition testimony he provided on October 12, 2006, which is hereby incorporated by reference, as well as additional incidents that Mr. Rider recounts in his Supplemental Interrogatory Responses. ASPCA will also rely on the testimony provided by Frank Hagan at his video deposition on November 9, 2004, and the deposition testimony provided by Gerald Ramos on January 24, 2007, both of which are herein incorporated by reference.

ASPCA also incorporates by reference plaintiffs' initial disclosures from January 30, 2004, which lists additional fact witnesses that plaintiffs may ask to testify and includes a brief

description of their expected testimony. Subject to an agreement with defendants, ASPCA is not yet required to identify any expert witnesses that it may call as a witness in the case.

**Interrogatory No. 2:** Identify each person within your organization who has any responsibility for, or authority over, your policy regarding the presentation of elephants in circuses.

**Supplemental Response to Interrogatory No. 2:**

Subject to and without waiving ASPCA's previous objections to this Interrogatory, ASPCA supplements its answer by stating that Dr. Stephen Zawistowski, who is now Executive Vice President of National Programs for ASPCA, continues to have responsibility for this policy.

**Interrogatory No. 3:** Identify each person within your organization who had any decision-making responsibility regarding whether to file this lawsuit.

**Supplemental Response to Interrogatory No. 3:**

ASPCA has nothing to add to its original answer to this Interrogatory.

**Interrogatory No. 4:** Identify each of your employees or volunteers who has any training or experience in the treatment of Asian elephants, including but not limited to the use of an ankus or tethering Asian elephants, and describe that training or experience.

**Supplemental Response to Interrogatory No. 4:**

ASPCA has nothing to add to its original answer to this Interrogatory.

**Interrogatory No. 5:** Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

**Supplemental Response to Interrogatory No. 5:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its answer by stating that additional incidents include, but are not limited to, the additional incidents that Mr. Rider included in his October 12, 2006 deposition testimony, as well

as Tom Rider's supplemental response to Interrogatory No. 11 that was directed to him, all of which is hereby incorporated by reference.

ASPCA further states that Frank Hagan witnessed the routine mistreatment of the elephants when he worked at Ringling Brothers, from March, 2000-July, 2004 and during 1993-2000. ASPCA hereby incorporates by reference Mr. Hagan's video deposition testimony that was provided on November 9, 2004.

Gerald Ramos also witnessed the mistreatment of elephants when he worked at Ringling Brothers in August 2006, and ASPCA hereby incorporates by reference Mr. Ramos' video deposition testimony that was provided on January 24, 2007.

Robert Tom, Jr. also witnessed the mistreatment of the elephants while he was employed as an animal handler by Ringling Brothers on the Red Unit from the spring of 2004 until August 6, 2006. Mr. Tom witnessed Ringling Brothers employees striking the elephants with bull hooks behind their ears, on their legs, and on their trunks. While the Red Unit was in Tulsa, Oklahoma between May 25, 2006 and June 6, 2006, Mr. Tom witnessed Sasha Houcke striking an elephant using two bull hooks at once, including by striking the elephant behind the ear and on the back until the elephant was bleeding. Mr. Tom also witnessed Sasha Houcke and a handler named Antonio regularly use their bull hooks on the elephants. In addition, Mr. Tom witnessed the handler named Antonio repeatedly hit an elephant on the forehead with a bull hook while trying to draw blood from the elephant when the Red Unit was in Baltimore, Maryland during 2006. ASPCA hereby incorporates by reference all of the testimony included in Mr. Tom's Affidavit. See API 6235-6240.



Archele Faye Hundley also witnessed the mistreatment of the elephants while she worked on the Red Unit from April of 2006 to June of 2006. While employed by Ringling Brothers she routinely witnessed elephants being struck with bull hooks. During a two week layover in Tulsa, Oklahoma between May 25, 2006 and June 6, 2006, Ms. Hundley witnessed Sasha Houcke repeatedly strike the elephant named Baby with a bull hook behind her ear and on the leg, and after hooking the elephant behind the ear, pulling with the weight of his entire body on the imbedded hook. ASPCA hereby incorporates by reference all of the testimony included in Ms. Hundley's Affidavit. See API 6241-6248.

ASPCA also incorporates by reference documents that plaintiffs have received from defendants that are responsive, which include but are not limited to: FELD 002333, 0004309, FEI 15024, 15025-27, 16649, 16648, 16615-17, 170303, 17212, 17214, 17221, 17225, 17226, 17266, 17267, 17268, 17269, 17270, 17271, 17273, 17274, 17275, 18885, 21230, 21523, 29446, as well as documents plaintiffs have produced to defendants, which include but are not limited to: PL 09082, 09090, 09507, 09532, 09761-63, 09238-39, 09240-43.

Additional incidents in which Ringling Brothers employees harmed one or more of their elephants are recorded on videotapes that plaintiffs have produced to defendants in response to the defendants' document production requests. ASPCA incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Brothers personnel striking elephants with bull hooks, brooms, whips, and other instruments, and keeping the elephants chained for long periods of time, as recorded on those videotapes, which include, but are not limited to: PL 07066, 07067, 07068, 07069, 07071, 07072, 07073, 07074, 07075, 07077, 07078, 07081, 07083, 07085, 07086, 070787, 07088, 07089, 07090, 07091, 08967, 08970, 08962, 08963, 08964,

08972, 08974, 08975, 08976, 08978, 08979, 08980, 08982, 09045, 09046, 09047, 09048, 09050, API 7166.

ASPCA also incorporates by reference videotapes produced by defendants, including videotapes that relate to the births of Ricardo and Gunther, and various training scenes and performances, as well as the following videotapes, which include, but are not limited to: FELD-VID 001, 002, 006, 007, FEI 0001, 0005, 0006, 0007, 0010, 0011, 0013, 0014, 0016, 0017, 0018, 0019, 0020, 0024, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10353, 10355, 10356, 10358, 10359, 10360, 10362, 10364, 10365, 10366, 10367, 10368, 10383, 38227, 38228, 38229, 40955, 40956, 40957, 40958, 40959, 40963, 40964, 40965, 40966, 40968, 40969, 40970, 40972, 40973, 40974, 40975, 40976, 40980, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. In addition, ASPCA incorporates by reference videotapes that representatives of plaintiffs have reviewed but that have not yet been produced by defendants, and which are also responsive to this request.

ASPCA also incorporates by reference its supplemental responses provided herein to Interrogatories numbered 9, 13, and 15.

**Interrogatory No. 6:** Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have “taken” an elephant within the meaning of the Endangered Species Act.

**Supplemental Response to Interrogatory No. 6:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA hereby incorporates by reference the same supplemental responses that it made with respect to Interrogatory No. 5, including the references to ASPCA’s responses to Interrogatories Nos. 9, 13, and 15, which are also incorporated by reference.

**Interrogatory No. 7:** State the date on which you first became aware of defendants' alleged mistreatment of Benjamin, and describe each incident thereafter in which you contend that Benjamin was mistreated.

**Supplemental Response to Interrogatory No. 7:**

ASPCA has nothing to add to its original answer to this Interrogatory.

**Interrogatory No. 8:** State the date on which you first became aware of defendants' alleged mistreatment of Kenny, and describe each incident in which you contend that Kenny was mistreated.

**Supplemental Response to Interrogatory No. 8:**

ASPCA has nothing to add to its original answer to this Interrogatory.

**Interrogatory No. 9:** State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants' juvenile elephants as a result of defendants' practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants' juvenile elephants was injured as a result of its separation from its mother.

**Supplemental Response to Interrogatory No. 9:**

Subject to and without waiving its previous objections to this Interrogatory, in addition to its original response to this Interrogatory, ASPCA incorporates by reference Troy Metzler's deposition testimony concerning baby and juvenile elephants, which Mr. Metzler provided on July 25, 2006. ASPCA also incorporates by reference documents produced by defendants to plaintiffs that are also responsive to this request, including, but not limited to, the following: FEI 17212, 17214, 17218, 18885, as well as video footage produced by defendants, including, but not limited to: FELD-VID 001 006, 007; FEI 0017, 0018, 0019, 0020, 38229, 38228, 38227. ASPCA also incorporates by reference documents plaintiffs have produced to defendants, which include but are not limited to: PL 09100-101, 09396-98.

**Interrogatory No. 10:** Describe each complaint or report that you, any of your employees or volunteers, or anyone speaking on your behalf has made to defendants directly about the way that defendants' elephants are or were treated.

**Supplemental Response to Interrogatory No. 10:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its response to this Interrogatory by incorporating by reference its response to Interrogatory No. 12.

**Interrogatory No. 11:** State each and every U.S. jurisdiction in which you have or have had official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present. Describe the nature of the official duties, any complaints or reports you received about your enforcement of those statutes or ordinances, and the outcome or result of those complaints or reports.

**Supplemental Response to Interrogatory No. 11:**

Subject to and without waiving ASPCA's previous objections to this Interrogatory, ASPCA supplements its response to this Interrogatory by incorporating by reference the following documents: A 0801-852, 981-1004. ASPCA has continued to not receive any complaints regarding its enforcement of the statutes and ordinances that it has the duty to enforce.

**Interrogatory No. 12:** Describe each inspection that you have conducted of defendants in the course of any official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present, including the names of inspectors who conducted each inspection.

**Supplemental Response to Interrogatory No. 12:**

Subject to and without waiving ASPCA's previous objections to this Interrogatory, ASPCA supplements its response by incorporating by reference the inspection reports that it has produced from its Humane Law Enforcement Department, in response to defendants' Document Production Request No. 9, A 0801-852 and A 0981-1004. These inspections were all arranged in

conjunction with Ringling Brothers, and Ringling Brothers employees accompanied ASPCA inspectors throughout the inspections. Initially, the inspections were unannounced, but the inspectors would have to wait a period of time before Ringling Brothers would accompany them into the area where the animals were kept. As some point thereafter, the inspections were conducted by invitation or appointment such that ASPCA would have to contact Ringling Brothers ahead of time to arrange a specific day and time to conduct the inspection.

ASPCA inspections of circus elephants are generally superficial in nature. The inspectors are not elephant experts and do not inspect each animal during their circus inspections. Rather, the inspections are performed from a distance so that, for example, the areas behind the elephants' ears are not inspected.

ASPCA could not locate any inspection reports from 1997, see A 01145, but believes that any inspections conducted during that year would have been similar in scope to those inspections conducted in 1998, since the same form was used for those two years. There was also one year when Ringling Brothers questioned ASPCA's authority to conduct an inspection and, as a result, no inspection was performed that year. However, neither Dale Riedel, Senior Vice President for Humane Law Enforcement for the ASPCA, nor Lisa Weisberg can recall the year that this occurred. Since 2006 ASPCA has not inspected Ringling Brothers Barnum & Bailey's Circus.

**Interrogatory No. 13:** Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

**Supplemental Response to Interrogatory No. 13:**

Subject to and without waiving ASPCA's previous objections to this Interrogatory, ASPCA supplements its response by stating that it also relies on and incorporates by reference the

deposition testimony provided by Mr. Rider on October 12, 2006. Frank Hagan also testified under oath that the elephants were chained every day that he worked there from at least 9:30 p.m. to 7:30 a.m., and ASPCA incorporates by reference Mr. Hagan's deposition testimony that was provided on November 9, 2004. Gerald Ramos also testified that during the time he worked at Ringling Brothers the elephants were chained most of the time, and ASPCA hereby incorporates by reference Mr. Ramos' January 24, 2007 deposition testimony on this point.

Archele Faye Hundley also witnessed that the elephants were only off their chains when the public was around and otherwise were kept on chains. Robert Tom, Jr. stated that when the elephants are being transported from one venue to another during three to four day trips the elephants are usually only allowed off the train once when the boxcars are being cleaned.

Additionally, on the morning of January, 2005 in Jacksonville, Florida, Animal Protection Institute ("API") contractor Bradley Stookey witnessed chains being placed on the elephants right after the elephants walked from the train to the arena. API's Creative Director, Sharie Lesniak, later saw the elephants still chained in the tent. Because ASPCA believes these practices are standard for Ringling Brothers, ASPCA contends that all of the elephants currently in the Red, Blue, and Gold Units are chained this way after they walk from the train to the place of performance.

Additional evidence of defendants chaining of the elephants was produced by plaintiffs in response to defendants' document production requests, and ASPCA hereby incorporates by reference the following documents, including, but not limited to: PL 5112, 5115, 08987, 08988, 08992, 09010, 09011, 09035, 09039, 09041, 09078-79, 09080-89, 9107-108, 09122-9124, 09135 09276-78. ASPCA also incorporates by reference documents produced by defendants that

evidence their chaining of the elephants, which include, but are not limited to: FEI 17030, 11332, 11286.

There are also incidents of chained elephants depicted in the videotapes that plaintiffs have produced to defendants in response to defendants' document production requests. This footage includes footage of elephants chained when being transported from one venue to another, footage of the elephants at various venues on the road chained in different parking lots, and other footage where the elephants are confined. ASPCA incorporates by reference this video footage produced by plaintiffs, including, but not limited to: PL 07066, 07068, 07069, 07070, 07073, 07074, 07075, 07077, 07078, 07083, 07084, 08967, 08969, 08962, 08963, 08964, 08972, 08975, 08976, 08980, 08982, 09046, 09050. ASPCA also incorporates by reference the footage obtained from Madison Square Garden in New York City and the footage obtained from the MCI Center in Washington, D.C. pursuant to third party subpoenas issued in 2004, which depict the elephants chained for many hours.

Additionally, ASPCA incorporates by reference video footage produced by defendants, including footage of the elephants named Baby, FEI 10362, 10368, 10358; Emma, FEI 40982, 40983, 40984, 40990; and Sally, FEI 0025, 0026, chained at the Center for Elephant Conservation. ASPCA believes it is likely that all of defendants elephants at the Center for Elephant Conservation are similarly chained.

ASPCA further relies on video footage produced by defendants including, but not limited to: FELD-VID 001, 002, 006, 007; FEI 0010, 0013, 0016, 0017, 0018, 0019, 0020, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10354, 10355, 10357, 10358, 10359, 10360, 10361, 10362, 10364, 10365, 10366, 10367, 10368, 10369, 10383, 38227, 38228, 38229, 40957, 40958, 40960,

40965, 40966, 40968, 40970, 40971, 40974, 40975, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. ASPCA also incorporates by reference footage that plaintiffs have reviewed that is responsive to this request, but that has not been produced by defendants.

Defendants also admit in their response to Interrogatory No. 13 that was directed to defendants, that the elephants are chained at night.

**Interrogatory No. 14:** Define “stereotypic behavior” as you use that term in the complaint and state the source of or basis for your definition.

**Supplemental Response to Interrogatory No. 14:**

ASPCA has nothing to add to its original answer to this Interrogatory.

**Interrogatory No. 15:** Describe each incident in which you contend that one of defendants’ elephants has exhibited “stereotypic behavior,” including the name of the elephant allegedly involved.

**Supplemental Response to Interrogatory No. 15:**

Subject to and without waiving ASPCA’s previous objections to this Interrogatory, ASPCA provides the following supplemental answer to this Interrogatory:

ASPCA incorporates by reference the deposition testimony of Tom Rider that was given on October 12, 2006. Mr. Hagan also witnessed the elephants engaging in stereotypic behavior when he worked at Ringling Brothers, and ASPCA hereby incorporates by reference Mr. Hagan’s video deposition testimony that was provided on November 9, 2004.

Incidents of elephants exhibiting stereotypic behavior are also recorded on the videotapes that plaintiffs have produced to defendants in response to defendants’ document production requests. This footage includes footage of elephants on the train, footage of the elephants at various venues and parking lots, and other footage where the elephants are exhibiting stereotypic



behavior. ASPCA incorporates by reference such video footage that is responsive to this request, including, but not limited to: PL 07066, 07068, 07069, 07070, 07073, 07074, 07075, 07077, 07078, 07083, 07084, 08967, 08969, 08962, 08963, 08964, 08972, 08975, 08976, 08980, 08982. ASPCA also incorporates by reference the footage obtained from Madison Square Garden in New York City and the footage obtained from the MCI Center in Washington, D.C. pursuant to third party subpoenas issued in 2004, which depict the elephants engaged in stereotypic behavior.

Additionally, ASPCA incorporates by reference video footage produced by defendants that is responsive to this request, such as the footage of elephants at the Center for Elephant Conservation, including, but not limited to: FELD-VID 001, 002, 006, 007; FEI 0010, 0013, 0016, 0017, 0018, 0019, 0020, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10354, 10355, 10357, 10358, 10359, 10360, 10361, 10362, 10364, 10365, 10366, 10367, 10368, 10369, 10383, 38227, 38228, 38229, 40957, 40958, 40960, 40965, 40966, 40968, 40969, 40970, 40971, 40972, 40974, 40975, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. ASPCA also incorporates by reference footage that plaintiffs' representatives have reviewed that is responsive to this request, but that has not been produced by defendants. ASPCA also incorporates by reference its supplemental response to Interrogatory No. 5 above.

**Interrogatory No. 16:** Describe every communication that you, any of your employees or volunteers, or any person acting on your behalf or at your behest has had with any current or former employee of defendants since 1996.

**Supplemental Objections and Response to Interrogatory No. 16:**

ASPCA further objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for information that is irrelevant or protected by the attorney-client or work product privileges. ASPCA also objects to this interrogatory to the

extent that it calls for the disclosure of conversations with former employees of defendants regarding various legislative or media strategies for halting the abuse and mistreatment of circus elephants and educating the public about this issue. Additional details of such conversations are irrelevant and their disclosure would impose an undue burden on ASPCA and infringe upon ASPCA and the former employees' First Amendment rights of association and expression. Subject to and without waiving these or ASPCA's previous objections to this Interrogatory, ASPCA provides the following supplemental answers to this Interrogatory:

During 2002-2003, Lisa Weisberg, Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisor for the ASPCA spoke with Tom Rider on approximately a weekly basis concerning Mr. Rider's public education and media efforts on behalf of captive elephants. These conversations included the outcome of Mr. Rider's media interviews in various cities that he visited to educate the public about the circus, where Mr. Rider was going next, and steps to coordinate his and ASPCA's media and public education efforts. During this time period, Ms. Weisberg and Mr. Rider also spoke about proposed legislation in Massachusetts pertaining to circus elephants and whether Mr. Rider should speak at a hearing in support of that legislation.

Since that time, Ms. Weisberg has continued to have conference calls with Mr. Rider, the other plaintiffs, and plaintiffs' attorneys regarding this lawsuit, which included discussions about legal strategies in this case, the evidence that plaintiffs may rely on, and the status of the litigation, all of which are protected by the attorney-client and attorney work product privileges.

During May or June of 2006, Ms. Weisberg also spoke briefly with a woman who had been a dancer with Ringling Brothers Barnum and Bailey's Circus. Ms. Weisberg does not recall

the woman's name, only that she lived in Florida, or the details of their conversation. Ms. Weisberg directed the woman to contact the law firm of Meyer Glitzenstein & Crystal.

Dale Riedel, Senior Vice President for Humane Law Enforcement for the ASPCA spoke with Mr. Rider in June of 2004. Mr. Riedel recalls Mr. Rider explaining how the Ringling Brothers elephant handlers use bull hooks on the elephants and how the handlers attempt to hide their bull hook use from the public. Mr. Riedel does not recall any further details of this conversation.

**Interrogatory No. 17:** Describe any and all positions you have taken, held, or espoused as regards the presentation of elephants in circuses, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

**Supplemental Response to Interrogatory No. 17:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its response by stating that any additional "positions" ASPCA may have taken regarding elephants in circuses and the "manner" in which it communicated any such positions would be reflected in the supplemental documents that ASPCA has produced to defendants. See A 01146, 01147, 01148, 01150, 01151, 01152.

**Interrogatory No. 18:** Describe any and all positions you have taken, held, or espoused as regards the use of ankuses to train, handle, or care for elephants, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

**Supplemental Response to Interrogatory No. 18:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its response by stating that any additional positions it has taken and the manner in

which it has communicated any such positions would be reflected in supplemental documents that it has provided to defendants. See A 01146, 01147, 01148, 01150, 01151, 01152.

**Interrogatory No. 19:** Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Bros. and Barnum & Bailey Circus.

**Supplemental Response to Interrogatory No. 19:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that since June, 2004 Lisa Weisberg has continued to have conversations with the other plaintiffs and their lawyers about legal strategies in this case, the evidence that plaintiffs may rely on, and the status of the litigation, all of which are protected by the attorney-client and attorney work product privileges. ASPCA has also had conversations with the other plaintiffs about their legislative and media strategies for halting the abuse and mistreatment of circus elephants and educating the public about this issue. Additional details of such conversations are irrelevant and their disclosure would impose an undue burden on ASPCA and infringe upon ASPCA and the other plaintiffs' First Amendment rights of association and expression. ASPCA has previously produced documents concerning its financial contribution to this effort.

Steve Zawistowski, Executive Vice President of National Programs for ASPCA, has communicated with employees of the Humane Society of the United States, Royal Society for the Prevention of Cruelty of Animals, and the Louisiana Society for the Prevention of Cruelty to Animals regarding the maintenance and treatment of elephants in captivity and standards for regulating such activities

Jill Buckley, Legislative Liaison for ASPCA, has had conversations with employees of the Animal Protection Institute about legislation pertaining to circus animals and their treatment.

**Interrogatory No. 20:** Describe each communication in which any person, other than defendants or their employees, has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

**Supplemental Response to Interrogatory No. 20:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its response by incorporating by reference FELD 0024121.

**Interrogatory No. 21:** Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

**Supplemental Response to Interrogatory No. 21:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA estimates that since 2004 it has spent approximately \$7,700 on staff time sending action alerts to ASPCA's members, writing Letters to the Editor to educate the public, writing advocacy letters to various officials, and supporting research on elephants and the conditions under which they are maintained in captivity, in order to improve the conditions under which animals, including elephants used for entertainment purposes, are held in captivity.

**Interrogatory No. 22:** Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

**Supplemental Objections and Response to Interrogatory No. 22:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that it has spent approximately \$12,110.00 on legal fees and costs pursuing information

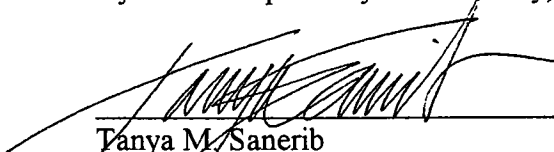
from the United States Department of Agriculture concerning defendants' actions and treatment of elephants.

**Interrogatory No. 23:** Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

**Supplemental Response to Interrogatory No. 23:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA additionally states that the subject and substance of the testimony that Tom Rider will provide is further described in Mr. Rider's deposition testimony of Tom Rider that was given on October 12, 2006, which ASPCA hereby incorporates by reference. In addition, the substance and subject of the testimony of Miyun Park was provided by deposition on January 5, 2005; the substance and subject of the testimony of Betsy Swart was provided by deposition on March 18, 2005; and the substance and subject of the testimony of Angela D. Martin was provided by deposition on March 9, 2005, all of which ASPCA hereby incorporates by reference.

Objections respectfully submitted by,



Tanya M. Sanerib  
(D.C. Bar No. 473506)  
Katherine A. Meyer  
(D.C. Bar No. 244301)

Meyer Glitzenstein & Crystal  
1601 Connecticut Ave., N.W., Suite 700  
Washington, D.C. 20009  
(202) 588-5206

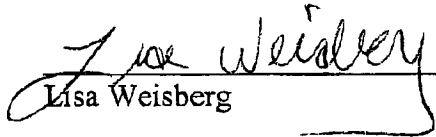
Dated: January 31, 2007

**VERIFICATION**

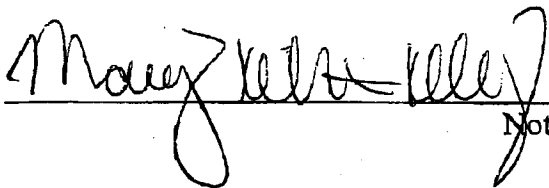
CITY OF NEW YORK )  
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STATE OF NEWYORK )

LISA WEISBERG, being duly sworn, say:

I am employed as the Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisor for the American Society for the Prevention of Cruelty to Animals. The American Society for the Prevention of Cruelty to Animals is a plaintiff in this case. I have read the foregoing supplemental objections and responses to Defendants' Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Fund for Animals, and Animal Welfare Institute and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.

  
\_\_\_\_\_  
Lisa Weisberg

Sworn to before me this  
31<sup>st</sup> day of January, 2007

  
\_\_\_\_\_  
Notary Public

MARY KRISTEN KELLY  
Notary Public, State of New York  
No. 07KE6117001  
Qualified in New York County  
Commission Expires October 12, 2008

My Commission Expires:

October 12, 2008



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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AMERICAN SOCIETY FOR THE )  
 PREVENTION OF CRUELTY TO )  
 ANIMALS, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 RINGLING BROS. AND BARNUM )  
 & BAILEY CIRCUS, et al., )  
 )  
 Defendants. )

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Civ. No. 03-2006 (EGS/JMF)

**PLAINTIFF AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO  
ANIMALS' SUPPLEMENTAL RESPONSES AND OBJECTIONS TO  
DEFENDANTS' INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the August 23 and September 24, 2007 Orders of the Court, plaintiff the American Society for the Prevention of Cruelty to Animals ("ASPCA") hereby offers the following supplemental or amended responses to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals. The ASPCA hereby incorporates by reference the definitions and the general and specific objections that it made in its original and January 31, 2007 responses to Defendants' First Set of Interrogatories.



**Interrogatory No. 5:** Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

**Supplemental Response to Interrogatory No. 5:**

The ASPCA supplements and amends its prior responses to this Interrogatory by providing the following amended lists of documents incorporated by reference. The remaining portions of the prior responses remain unaltered.

The ASPCA incorporates by reference the following documents that have been produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory: FELD 4723, 4756-4767, 10386, 22556, 22577, 22578, 22584, 22645, 22990-23106, 23212-23213, 23386, 23400, 24228-24231, 25607, 27807-27810, 27819, 27825, 27826-27831, 27834, 28133-28136, 28373-28385, 28391-28392, 28607-28619, 28620-28625, 28674-28377, 28705-28716, 28742-28743;

FEI 549, 629-630, 635, 719-727, 744, 1435, 1544, 1559, 1564, 1572-1575, 1576-1579, 1590-1594, 1790, 2356, 2358, 2359-2362, 2439-2452, 2453-2472, 2707, 7465, 8366-8367, 10889, 10893, 11446-11447, 11448, 11466-11467, 12200, 12378, 12466, 12478, 12495, 12495, 13163-13173, 13174, 13177, 13180, 13585, 13597, 13601, 13709-13713, 13714-13720, 13731, 13732, 13735, 13839, 14436, 15010, 15024, 15024, 15025-15027, 15262, 15275, 15288-15297, 15395-15397, 16516, 16521-16522, 16542, 16593-16599, 16600-16603, 16609, 16614-16618, 16624, 16646-16648, 16918, 17104, 17107-17115, 17121-17122, 17174, 17207, 17208, 17209-17221, 17225-17228, 17233-17236, 17238-17244, 17266-17275, 17303-17305, 17307-17308, 17328, 18002-18005, 18040-18041, 18047, 18523, 18876-18882, 18885-18886, 19407, 19449-19450, 21230, 21240-21241, 21244-21248, 21252, 21269, 21409-21419, 21625, 21696-21698, 21763, 21919, 21920-21922, 22430, 22453, 22640, 22645, 22662, 22670-22672, 22684, 22684,

22700, 22856, 22928-22940, 22981-22997, 23081, 25313, 25340, 25535, 25831, 25845, 25946, 25953, 28383-28385, 29446, 29627, 29642, 31014-31015, 31338-31342, 31339-31341, 31375, 31375-31376, 31380, 31380-31381, 31546-31547, 31680-31681, 32361, 32492-32494, 32590, 32633-32634, 33071, 33114-33115, 33452-33453, 33479, 33503, 33809-33810, 36351, 36506, 37529, 37530, 37534, 37543, 37546, 37547, 37553-37558, 37563, 37628, 37669, 37991, 38035-38037, 38041, 38120-38122, 38123-38124, 38125, 38125, 38126, 38133-38134, 38155, 38156, 38157, 38184, 38185, 38186, 38234, 38277, 38280, 38285, 38291, 38291, 38297, 38323, 38332, 38509, 38739-38741, 38807, 38841, 38929, 39506, 39513-39514, 39515, 39516, 39557-39558, 39560, 39623-39628, 39952, 39952, 40016, 40016-40017, 40071, 40072, 41149, 41150, 41151, 41152, 41247, 41401, 41513, 42148, 42696, 43881, 44087, 44363, 44373-44374, 44410-44414, 44417-44419, 44460-44461, 44466-44471, 44479, 44482-44483, 44485, 44493, 44612, 44916-44917, 45120, 45181, 45182-45185;

PL 1351-1352, 1359-1360, 1404, 1405-1406, 1456-1461, 1796, 1803, 2135, 4155-4159, 4166-4219, 4220-4276, 4277-4330, 4336, 4347, 4348-4352, 4353-4356, 4359-4361, 4364-4365, 4382-4397, 4402-4403, 4404-4405, 4407-4418, 4446-4448, 4454-4455, 4458-4464, 4481-4483, 4492-4496, 4499-4500, 4504, 4507-4543, 4556-4557, 4573-4574, 4578, 4579, 4582, 4608-4610, 4644-4645, 4649-4677, 4682-4687, 4689-4694, 4706, 4713-4714, 4717-4718, 4719-4720, 4721-4728, 4730-4731, 4745-4746, 4755-4767, 5118, 5816, 5817, 7227, 7666-7686, 8317, 8318, 8318-8325, 8320-8325, 8329-8354, 8329-8361, 8356-8361, 8397, 8707, 8708, 8740-8741, 8775-8796, 8883-8916, 8987, 8988, 8992, 8993, 9010, 9011, 9032-9041, 9045-9077, 9082-9089, 9090, 9126, 9162, 9164, 9173-9174, 9177-9181, 9200-9202, 9209-9211, 9236-9237, 9240-9245, 9281-9287, 9294-9310, 9315-9319, 9325-9337, 9513-9519, 9522-9528, 9532, 9551-9579, 9591-

9595, 9761-9763, 9764-9777, 9782-9784, 9855, 9886, 9985-9989, 9992-10001, 10021-10024, 10027-10030, 10032-10037, 10038-10054, 10063, 10065-10084, 10098-10099, 10103-10108, 10483-10484, 10489-10491, 10952-10953, 10963-10964, 10977-10978, 10983-10985, 10993, 10998-10999, 11005, 11017-11018, 11784, 11840-11841, 11844-11845, 11923-11924;

F 818, 891, 3095 – 3102, 3267 – 3278, 3282 – 3284, 4012;

A 797, 1119 – 1123, 1124, 1156–1162, 1163–1166, 1167–1174, 1175–1183, 1184–1188, 1189-1191;AWI 152–163, 456–467, 569–571, 1659, 1682, 1797–1803, 2083–2084, 2099–2100, 2149–2167, 5901, 5902, 5909, 5910, 5911, 5933, 5957, 5970, 5986, 5991, 5997, 6001, 6015, 6625, 6639, 6641–6642, 6679, 8699–8704, 9901;

API 4467 – 4469, 6100, 6124; and

TR 184, 175–177, 179-180.

The ASPCA notes, however, that plaintiffs' expert witnesses are still in the process of reviewing evidence produced by defendant during discovery, including the medical records for the elephants. The ASPCA understands that any records upon which its experts may rely will be identified in their expert reports.

Additional incidents in which Ringling employees harmed one or more of their elephants are recorded on videotapes that plaintiffs have produced to defendant in response to the defendant's document production requests. The ASPCA incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Brothers personnel striking elephants with bull hooks, brooms, whips, and other instruments, and keeping the elephants chained for long periods of time, as evidenced by those videotapes, which are the following: PL 7066, 7067, 7069, 7070, 7071, 7072, 7073, 7074, 7075, 7078, 7083, 7084, 7085, 8962, 8963,

8967, 8969, 8974, 8978, 8979, 8980, 8982, 9045, 10937, "USDA Inspection of Premises Where Benjamin Died, August 2, 1999;" TR 201; and API 7166.

The ASPCA also incorporates by reference videotapes produced by defendant, including the births of Riccardo and Gunther and various training scenes and performances, as well as the following videotapes: FELD-VID 001, 002, 006, 007, FEI 0001, 0005, 0006, 0007, 0010, 0011, 0013, 0014, 0016, 0017, 0018, 0019, 0020, 0024, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10353, 10355, 10356, 10358, 10359, 10360, 10362, 10364, 10365, 10366, 10367, 10368, 10383, 38227, 38228, 38229, 40955, 40956, 40957, 40958, 40959, 40963, 40964, 40965, 40966, 40968, 40969, 40970, 40972, 40973, 40974, 40975, 40976, 40980, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. Additional information responsive to this Interrogatory is contained in footage that plaintiffs have reviewed and requested from defendant, but that has not yet been produced by defendant. Once plaintiffs obtain that footage, they will supplement this Response accordingly.

The ASPCA also incorporates by reference the supplemental responses provided below to Interrogatories numbered 9, 13, and 15.

**Interrogatory No. 6:** Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have "taken" an elephant within the meaning of the Endangered Species Act.

**Supplemental Response to Interrogatory No. 6:**

The ASPCA hereby incorporates by reference the same supplemental and amended responses that it made above with respect to Interrogatory No. 5, including the references to The ASPCA's supplemental responses to Interrogatories Nos. 9, 13, and 15, which are also incorporated by reference.

**Interrogatory No. 9:** State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants' juvenile elephants as a result of defendants' practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants' juvenile elephants was injured as a result of its separation from its mother.

**Supplemental Response to Interrogatory No. 9:**

The ASPCA supplements and amends its prior responses to this Interrogatory by providing the following amended lists of documents incorporated by reference. The remaining portions of the prior responses remain unaltered.

The ASPCA incorporates by reference the following documents produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this request: FELD 2196-2197, 4967-4968, 4969-4970, 4971-4972, 4973-4974, 19902-19906, 20081, 23326-23332, 23326-23338, 25607-25610, 25611-25616, 25617-25622, 25632-25634, 25638-25639, 25644-25645, 25646-25647, 25652-25663, 25664-25666, 25675-25686, 29203-29204, 29205-29209, 29248-29249;

FEI 816-820, 821-841, 842, 843-844, 845-846, 847-848, 849-860, 863-864, 15032, 17208-17220, 17227, 17228, 17233-17244, 18885-18886, 25963, 38288-38290, 38292, 38323-38324, 39517-39518, 39519-39523, 43887-43888;

PL 3872-3924, 3925-3936, 3937-3938, 3941, 3944, 4005-4024, 4025-4026, 4027-4028, 4067, 4102, 4104-4108, 4132-4138, 4142, 4143, 4144, 4145, 4147, 5118, 9396 – 9402, 9339-9347;

F 1561-1562, 1569-1570, 1573-1574, 1576, 1577, 3279-3280;

AWI 1473-1479, 2089-2090, 2091-2092, 2093-2094, 2101-2117; and

API 4394.

The ASPCA notes, however, that plaintiffs' expert witnesses are still in the process of reviewing evidence produced during discovery, including the medical records for the elephants. The ASPCA understands that any records upon which its experts may rely will be identified in their expert reports.

The ASPCA also incorporates by reference the following video footage produced by defendant: FELD-VID 001 006, 007; FEI 0017, 0018, 0019, 0020, 38229, 38228, 38227; and the following video produced by plaintiffs: PL 8974.

**Interrogatory No. 12:** Describe each inspection that you have conducted of defendants in the course of any official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present, including the names of inspectors who conducted each inspection.

**Supplemental Response to Interrogatory No. 12:**

The ASPCA supplements and amends its prior responses to this Interrogatory by providing the following supplemental information.

The ASPCA has already produced, and incorporated by reference, records for all inspections responsive to this Interrogatory, with the exception of any such inspections that may have taken place during 1996 and 1997. See A 0801-852 and A 0981-1004. As explained in the accompanying declaration of Lisa Weisberg, the ASPCA no longer has any records with respect to any such inspections that would have taken place during 1996 and 1997, and therefore is not even certain that such inspections occurred, although it is likely that they did. The ASPCA states, however, that any such inspections would have been similar in nature and scope to the inspections that were conducted in 1998. Because there are no longer records of inspections from those years, the ASPCA is not able to state who would have performed any such inspections, when they would have taken place, or what the results of the inspections would have

been. The ASPCA has inquired of Humane Law Enforcement personnel in an attempt to recall any such details from those years, and has been unable to determine any additional information. The ASPCA recalls, however, that there was one year when Ringling Brothers questioned ASPCA's authority to conduct an inspection and, as a result, no inspection was performed that year. However, neither Dale Riedel, Senior Vice President for Humane Law Enforcement for the ASPCA, nor Lisa Weisberg has been able to determine the year that this occurred.

**Interrogatory No. 13:** Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

**Supplemental Response to Interrogatory No. 13:**

The ASPCA supplements and amends its prior responses to this Interrogatory by providing the following amended lists of documents incorporated by reference. The remaining portions of the prior responses remain unaltered.

Additional evidence of defendant's chaining of the elephants has been produced by both plaintiffs and defendant in this case, and the ASPCA hereby incorporates by reference the following such documents: FELD 4606, 4613, 4766, 4767, 22990-23106, 23703-23705;

FEI 1576-1577, 7547, 7549, 8366, 8367, 11286, 11292, 11293, 11295, 11307, 11332, 12381, 13077, 13086-13096, 17030-17032, 17121-17122, 17190, 17229, 17230, 17241, 18392-18393, 21697, 22565-22567, 22576, 22645, 22670, 22671, 22672, 22699, 22700, 31244-31245, 31348, 31467, 31471, 31472, 31632, 31633, 31636, 31640, 31641, 31782, 32441, 32502, 32506, 32507, 32513, 36493, 36503, 36504, 36506, 36713-36722, 36723, 36878, 37453, 37455-37457, 37459-37466, 37529, 37530, 37533, 37534, 37543, 37546, 37547, 37553-37558, 37563-37565, 38750-38751;

PL 1801, 2081-2083, 4348-4352, 4364-4365, 4446-4448, 4458-4464, 4608-4610, 5112-5114, 5115-5117, 5118, 7170, 7879, 8317, 8881-8882, 8987, 8988, 8992, 9010, 9011, 9034, 9035, 9039, 9040, 9041, 9078, 9082-9089, 9135, 9158, 10977-10978, 11017-11018, 11895-11897, 11898-11900;

A 820 – 821;

AWI 5901, 5902, 5909-5911, 5932, 5933, 6643-6645, 6661-6668, 6659, 6673, 6687, 6689; and

API 4483, 4492.

The ASPCA notes, however, that plaintiffs' expert witnesses are still in the process of reviewing evidence produced during discovery, including the medical records for the elephants. The ASPCA understands that any records upon which its experts may rely will be identified in their expert reports.

There are also incidents of chained elephants depicted in the videotapes that plaintiffs have produced to defendant in response to defendant's document requests. This footage includes footage of elephants chained when being transported from one venue to another, footage of the elephants at various venues on the road chained in parking lots and other places, and other footage where the elephants are confined. The ASPCA incorporates by reference this video footage produced by plaintiffs, as follows: PL 7066, 7067, 7069, 7074, 7078, 7079, 7084, 8962, 8963, 8964, 8967, 8969, 8972, 8974, 8975, 8978, 8980, 9046, 9050; TR 201. The ASPCA also incorporates by reference the footage obtained from Madison Square Garden in New York City and the footage obtained from the MCI Center in Washington, D.C. pursuant to third party subpoenas in 2004, which depicts the elephants chained for numerous hours.



Additionally, the ASPCA incorporates by reference video footage produced by defendant, including footage of the elephants named Baby, FEI 10362, 10368, 10358; Emma, FEI 40982, 40983, 40984, 40990; and Sally, FEI 0025, 0026, chained at the Center for Elephant Conservation. The ASPCA contends that all of defendant's elephants at the Center for Elephant Conservation are similarly chained.

The ASPCA further relies on the following video footage produced by defendant in response to this interrogatory: FELD-VID 001, 002, 006, 007; FEI 0010, 0013, 0016, 0017, 0018, 0019, 0020, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10354, 10355, 10357, 10358, 10359, 10360, 10361, 10362, 10364, 10365, 10366, 10367, 10368, 10369, 10383, 38227, 38228, 38229, 40957, 40958, 40960, 40965, 40966, 40968, 40970, 40971, 40974, 40975, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. Additional information responsive to this Interrogatory is contained in footage that plaintiffs have reviewed and requested from defendant, but that has not yet been produced by defendant. Once plaintiffs obtain that footage, they will supplement this Response accordingly.

**Interrogatory No. 15:** Describe each incident in which you contend that one of defendants' elephants has exhibited "stereotypic behavior," including the name of the elephant allegedly involved.

**Supplemental Response to Interrogatory No. 15:**

The ASPCA supplements and amends its prior responses to this Interrogatory by providing the following amended lists of documents incorporated by reference. The remaining portions of the prior responses remain unaltered.

The following documents produced by defendant and plaintiffs in this case contain information responsive to this Interrogatory: FELD 4718-4719, 4721-4723; FEI 32443-32444,

39041, 44089; PL 4743-4744, 4755-4765, 5118, 8397; F 877, 910, 4068-4069; AWI 6643 – 6645, 6687, 6689.

Incidents of elephants exhibiting stereotypic behavior are also recorded on the videotapes that plaintiffs have produced to defendant in response to defendant's document requests. This footage includes footage of elephants on the train, footage of the elephants at various venues and parking lots, and other footage where the elephants are exhibiting stereotypic behavior. The ASPCA incorporates by reference the following such video footage that is responsive to this Interrogatory: PL 7066, 7069, 7074, 7078, 7083, 8962, 8963, 8964, 8967, 8969, 8972, 8979, 8980, 9046, 9050; TR 201. The ASPCA also incorporates by reference the footage obtained from Madison Square Garden in New York City and the footage obtained from the MCI Center in Washington, D.C. pursuant to third party subpoenas in 2004, which depicts the elephants engaged in stereotypic behavior.

Additionally, the ASPCA incorporates by reference the following video footage produced by defendant that is responsive to this Interrogatory: FELD-VID 001, 002, 006, 007; FEI 0010, 0013, 0016, 0017, 0018, 0019, 0020, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10354, 10355, 10357, 10358, 10359, 10360, 10361, 10362, 10364, 10365, 10366, 10367, 10368, 10369, 10383, 38227, 38228, 38229, 40957, 40958, 40960, 40965, 40966, 40968, 40969, 40970, 40971, 40972, 40974, 40975, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. Additional information responsive to his Interrogatory is contained in footage that plaintiffs have reviewed and requested from defendant, but that has not yet been produced by defendant. Once plaintiffs obtain that footage, they will supplement this Response accordingly.

**Interrogatory No. 19:** Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in

circuses or about the treatment of elephants at any circus, including Ringling Bros. and Barnum & Bailey Circus.

**Supplemental Response to Interrogatory No. 19:**

The ASPCA supplements and amends its original response to this Interrogatory by providing the following supplemental information. The remaining portions of the original response remain unaltered.

The ASPCA has continued to have conversations with the other plaintiffs and their lawyers about legal strategies in this case, the evidence that plaintiffs may rely on, and the status of the litigation, all of which are protected by the attorney-client or the attorney work product privileges.

**Interrogatory No. 21:** Identify each resource you have expended from 1997 to the present in “advocating better treatment for animals held in captivity, including animals used for entertainment purposes” as alleged in the complaint, including the amount and purpose of each expenditure.

**Supplemental Response to Interrogatory No. 21:**

The ASPCA supplements and amends its original response to this Interrogatory by providing the following supplemental and amended information.

To the best of the ASPCA’s knowledge, the amount of funding it has provided for Tom Rider’s media and public education efforts on behalf of elephants in the circus is included herein. All of the funds that the ASPCA provided to Mr. Rider were for living expenses in connection with his important advocacy efforts as he traveled throughout the country on behalf of the elephants, including travel, lodging, phone, internet access, food, and other general expenses while he was on the road. The total amount of these funds was approximately \$26,453.00, over the course of three years (2001, 2002, 2003). This does not include ASPCA staff time and other

organizational expenses that were expended in connection with Mr. Rider's advocacy work. See, e.g., Plaintiff ASPCA's Responses and Objections to Defendants' First Set of Interrogatories at 31-33.

Beginning in June of 2001, the ASPCA provided funds for Mr. Rider's media and outreach work through reimbursements to the law firm Meyer & Glitzenstein. The firm provided funds to Mr. Rider and then billed the ASPCA for those costs. In 2001 this amounted to approximately \$3,565.00, which is reflected in Meyer & Glitzenstein invoices being produced by the ASPCA. See A 1203-1213.<sup>1</sup>

In December 2001, the ASPCA provided a \$6,000.00 grant to the Wildlife Advocacy Project for that organization's advocacy work on behalf of elephants in captivity, and understood that these funds would be used for Mr. Rider's media and public education advocacy. See A 1221.<sup>2</sup>

In 2002, the ASPCA provided approximately \$1,144.00 for Mr. Rider's media and public education advocacy through reimbursements to Meyer & Glitzenstein. These funds are reflected in documents being produced by the ASPCA. See A 1214-A 1217. In 2002 the ASPCA also paid some of Mr. Rider's expenses directly, including: wireless phone charges (approximately

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<sup>1</sup> The phrase "Shared Expense" in an invoice, see, e.g., A 1203, means that the expense was shared equally among the three plaintiff organizations. The phrase "special expense" in an invoice, see, e.g., A 1210, means that the specified expenses were billed only to the ASPCA.

<sup>2</sup> In its original interrogatory responses and at Ms. Weisberg's July 2005 deposition, the ASPCA stated that it had given the Wildlife Advocacy Project a grant in 2001 in the amount of \$7,400.00. See Plaintiff ASPCA's Responses and Objections to Defendants' First Set of Interrogatories at 33; Transcript of July 19, 2005 Deposition at 56. In conducting further investigations on this matter, the ASPCA has determined that the total amount of the grant in 2001 was \$6,000, and the additional \$1,400 that the ASPCA previously referred to was in fact an in kind donation of office furniture to the Wildlife Advocacy Project, and was not related to Mr. Rider's media and public education work.

\$4,310.00), see A 1223-1230; internet access charges (approximately \$263.40), and lodging expenses (approximately \$2,000.00), see A 1240-1248. The ASPCA also paid bus fare for Mr. Rider directly on one occasion. See id. at A 1240. In 2002 the ASPCA also provided Mr. Rider with a total of \$5,660.00 in funds for his travel and living expenses while on the road. This amount is reflected in the ASPCA's general accounting ledger. See A 1222, at 1229-30.<sup>3</sup>

In 2002, the ASPCA also gave Mr. Rider a used laptop computer so that he could access the internet to stay abreast of developments concerning the issue of elephants in captivity, and to facilitate his efforts to locate and contact media outlets and reporters. As indicated in the accompanying declaration of Lisa Weisberg, the ASPCA could not locate any documentation for the cost of that computer, but the ASPCA estimates that it was worth no more than \$500.00. The ASPCA also gave Mr. Rider a cell phone to use while traveling on the road performing media and public education advocacy. The ASPCA was also unable to locate any records documenting the cost of this phone, but it was probably worth no more than \$200.00.

In 2003, the ASPCA provided approximately \$1,045.00 for Mr. Rider's media and public education advocacy through reimbursements to Meyer & Glitzenstein. These funds are reflected in documents being produced by the ASPCA. See A 1218-1220. The ASPCA also continued to pay for Mr. Rider's wireless phone charges, internet access, and some lodging expenses. The

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<sup>3</sup> The ASPCA originally gave Mr. Rider \$5,000.00 in traveler's checks in May 2002, see A 1222, at 1230, which was subsequently reduced by \$1,200.00, see id., for a total disbursement in traveler's checks of \$3,800.00.

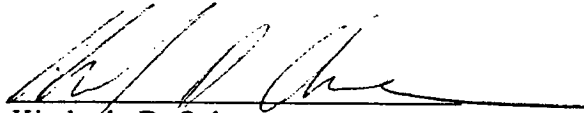
approximate amount of those expenditures in 2003 were \$1,246.00, see A1233-1239, \$219.00, see A1231-1232, and \$1,000 respectively.<sup>4</sup>

**Interrogatory No. 22:** Identify each expenditure from 1997 to the present of “financial and other resources” made while “pursuing alternative sources of information about defendants’ actions and treatment of elephants” as alleged in the complaint.

**Supplemental Objections and Response to Interrogatory No. 22:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that it has spent approximately \$13,800.00 on legal fees and costs pursuing information from the United States Department of Agriculture concerning defendant’s actions and treatment of elephants.

Objections respectfully submitted by,



Kimberly D. Ockene  
(D.C. Bar No. 461191)  
Katherine A. Meyer  
(D.C. Bar No. 244301)

Meyer Glitzenstein & Crystal  
1601 Connecticut Ave., N.W., Suite 700  
Washington, D.C. 20009  
(202) 588-5206

Dated: September 26, 2007

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<sup>4</sup> Because, as indicated in the accompanying declaration of Lisa Weisberg, the ASPCA has not yet obtained the credit card invoices that would document the 2003 lodging charges, the lodging charges represent a rough approximation based on the lodging charges from 2002, and Ms. Weisberg’s recollection that the ASPCA only paid Mr. Rider’s lodging expenses directly through May of 2003. When the ASPCA obtains the 2003 credit card invoices, it will supplement or amend this response.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE	)
PREVENTION OF CRUELTY TO	)
ANIMALS, <u>et al.</u> ,	)
	)
Plaintiffs,	)
	)
v.	)
	)
RINGLING BROS. AND BARNUM	)
& BAILEY CIRCUS, <u>et al.</u> ,	)
	)
Defendants.	)

Civ. No. 03-2006 (EGS/JMF)

VERIFICATION

I, LISA WEISBERG, declare as follows:

1. I am employed as the Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisor for the American Society for the Prevention of Cruelty to Animals ("ASPCA"). The ASPCA is a plaintiff in this case.

2. I have read the foregoing supplemental objections and responses to defendant's Interrogatories and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge.

*Lisa Weisberg*  
Lisa Weisberg

Dated: September 26, 2007



*Marcy Altman*  
MARCY ALTMAN  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01AL6132373  
QUALIFIED IN NEW YORK COUNTY  
MY COMMISSION EXPIRES AUG. 22, 2009

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS, et al.,

Plaintiffs,

v.

RINGLING BROS. AND BARNUM  
& BAILEY CIRCUS, et al.,

Defendants.

Civ. No. 03-2006 (EGS/JMF)

**PLAINTIFF AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO  
ANIMALS' SUPPLEMENTAL RESPONSES AND OBJECTIONS TO  
DEFENDANTS' INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the August 23, 2007 Order of the Court (Docket No. 178), plaintiff the American Society for the Prevention of Cruelty to Animals ("ASPCA") hereby offers the following supplemental response to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals. The ASPCA hereby incorporates by reference the definitions and objections that it made in its June 2004, January 31, 2007, and September 26, 2007 responses to Defendants' First Set of Interrogatories.



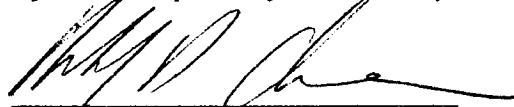
**Interrogatory No. 21:** Identify each resource you have expended from 1997 to the present in “advocating better treatment for animals held in captivity, including animals used for entertainment purposes” as alleged in the complaint, including the amount and purpose of each expenditure.

**Supplemental Response to Interrogatory No. 21:**

The ASPCA supplements and amends its September 26, 2007 response to this Interrogatory by providing the following supplemental and amended information.

In 2003, the ASPCA paid by credit card (American Express) for \$91.50 in lodging expenses for Mr. Rider. This amount is reflected in A 01249, which is being produced along with this Response. This amount amends the \$1,000 that the ASPCA previously estimated that it had spent on Mr. Rider’s lodging expenses in 2003. See Sept. 26, 2007 Supplemental Response to Interrogatory No. 21. That estimate was provided before the ASPCA was able to obtain the records that would reflect the actual amount, which it now has done. Accordingly, the total approximate amount that the ASPCA provided for Mr. Rider’s media and public education advocacy from 2001-2003 is \$25,544.50, rather than the \$26,453.00 amount indicated in the ASPCA’s September 26, 2007 Supplemental Response to this Interrogatory.

Objections respectfully submitted by,



Kimberly D. Ockene  
(D.C. Bar No. 461191)  
Katherine A. Meyer  
(D.C. Bar No. 244301)

Meyer Glitzenstein & Crystal  
1601 Connecticut Ave., N.W., Suite 700  
Washington, D.C. 20009  
(202) 588-5206

Dated: October 26, 2007

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE	)
PREVENTION OF CRUELTY TO	)
ANIMALS, <u>et al.</u> ,	)
	)
Plaintiffs,	)
	)
v.	)
	)
RINGLING BROS. AND BARNUM	)
& BAILEY CIRCUS, <u>et al.</u> ,	)
	)
Defendants.	)
	)

Civ. No. 03-2006 (EGS/JMF)

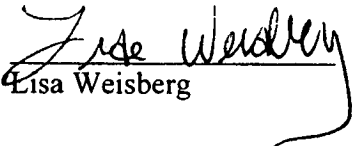
VERIFICATION

I, LISA WEISBERG, declare as follows:


1. I am employed as the Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisor for the American Society for the Prevention of Cruelty to Animals (“ASPCA”). The ASPCA is a plaintiff in this case.

2. I have read the foregoing supplemental objections and response to defendant’s Interrogatories and know the contents thereof. Upon information and belief, said Objections and Response are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge.

  
Lisa Weisberg

Dated: October 7, 2007

  
MARCY ALTMAN  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01AL6132373  
QUALIFIED IN NEW YORK COUNTY  
MY COMMISSION EXPIRES AUG. 22, 2009

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, <u>et al.</u>	)	
	)	
Plaintiffs,	)	Civ. No. 03-2006 (EGS)
	)	
v.	)	
	)	
RINGLING BROS. AND BARNUM & BAILEY CIRCUS, <u>et al.</u>	)	
	)	
Defendants.	)	

**PLAINTIFF AMERICAN SOCIETY FOR THE PREVENTION OF  
CRUELTY TO ANIMALS' FOURTH  
SUPPLEMENTAL RESPONSES AND OBJECTIONS TO  
DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33, plaintiff American Society for the Prevention of Cruelty to Animals hereby offers the following supplemental responses to Defendants' First Set of Interrogatories. ASPCA hereby incorporates by reference the definitions and the general and specific objections that it made in its previous responses to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals.

**SUPPLEMENTAL RESPONSES**

**Interrogatory No. 1:** Identify each and every person you expect to call as a witness in this case, and state the subject and substance of the person's expected testimony, including all details of which you are aware.

**Objection and Response to Interrogatory No. 1:**

Subject to and without waiving ASPCA'S previous objections to this Interrogatory, and pursuant to the Court's December 18, 2007 Order concerning the exchange of witness lists, ASPCA states that, in addition to those individuals whose names have previously been provided to defendant in plaintiffs' initial disclosures, as well as in subsequent correspondence and responses to this Interrogatory, the following individual may have discoverable information concerning the subject matter of this lawsuit: Jim Andacht.

**Interrogatory No. 5:** Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

**Objection and Response to Interrogatory No. 5:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that Margaret Tom recently testified at her deposition that during the approximately two years during which she worked for the Ringling Brothers' Circus, she regularly observed Ringling Brothers employees hitting elephants with bullhooks, and also witnessed Ringling Brothers employees beat an elephant named Asia with bullhooks. Mrs. Tom's deposition testimony is incorporated by reference herein. Robert Tom also recently testified at his deposition that he observed Ringling Brothers employees regularly sinking the hooked end of the bullhook into the elephants's skin, and also hitting the elephants with the bullhook like a baseball

bat. Mr. Tom also described one particularly violent beating of an elephant in Tulsa, Oklahoma. Mr. Tom's testimony is incorporated herein by reference.

In addition, Archele Hundley testified at her deposition that she routinely witnessed the mistreatment of the elephants when she worked at Ringling Brothers, including aggressive use of the bullhook and frequent chaining of the elephants. Ms. Hundley further testified that during a three-day train run from Worcester, Massachusetts to Tulsa, Oklahoma the elephants were not let off the train for exercise until they arrived just outside of Tulsa. Ms. Hundley's testimony is incorporated herein by reference.

ASPCA also supplements its prior responses to this Interrogatory with the following lists of documents and video footage incorporated by reference. These are documents and footage that have been produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory:

Documents: FEI 1814, 1823, 1900, 1914, 2230, 2284, 2285-2286, 2689-2692, 3135, 3154-3155, 3166-3172; PL 958-959, 964-966, 977, 1762, 2152-2153, 2162, 5700-5703, 5717-5720, 5816-5817, 6204-6210, 9131-9132, 9240-9245, 9276-9278, 9855, 9886, 10998-10999, 11146-11153, 11716-11724, 12553-12554, 12591-12592, 12591-12592, 12593, 12607, 12608, 12609-12611, 13618-13619, 13621-13622, 13735-13736, 13758-13765, 14244-14245, 14659-14660, 14899-14900, 14919, 15163, 15166, 15268, 15273, 15275, 15285, 15309, 15322, 15391, 15422-15425; A 1115-1116, 1126-1129; AWI 2777-2796, 6685.

Video footage: FEI 45189, 45190, 45191, 45192, 45193, 45194, 45196, 45197, 45198, 45199, 45202, 45203, 45204, 45206, 45207, 45208, 45210, 45211, 45212, 45213, 45215, 45217,

45220, 45221, 45222, 45223, 45226, 45228, 45229, 45232, 45233, 45234, 45235, 45236, 45237, 45239, 45240, 45241, 45243, 45245; PL 14896, 14897, 14899, 14900, 14901, 14902, 14903, 14904, 14905, 14906, 14907, 14908, 14912, 14913, 14914, 14915, 16717.

ASPCA also incorporates by reference its responses provided herein to Interrogatories numbered 9, 13, and 15.

**Interrogatory No. 6:** Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have “taken” an elephant within the meaning of the Endangered Species Act.

**Objection and Response to Interrogatory No. 6:**

ASPCA hereby incorporates by reference the same supplemental and amended responses that it made above with respect to Interrogatory No. 5, including the references to API’s supplemental responses to Interrogatories Nos. 9, 13, and 15, which are also incorporated by reference.

**Interrogatory No. 9:** State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants’ juvenile elephants as a result of defendants’ practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants’ juvenile elephants was injured as a result of its separation from its mother.

**Objections and Response to Interrogatory No. 9:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its prior responses to this Interrogatory with the following lists of documents incorporated by reference. These are documents that have been produced by defendant or

plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory:

FELD 25608-25610; FEI 2208, 2474, 2477, 2479, 2482-2483, 2484; PL 8398, 9396-9397, 9398-9402, 10986-10988, 11005, 11124, 11747-11748, 11984-11988, 12575-12577, 12593.

**Interrogatory No. 11:** State each and every U.S. jurisdiction in which you have or have had official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present. Describe the nature of the official duties, any complaints or reports you received about your enforcement of those statutes or ordinances, and the outcome or result of those complaints or reports.

**Objections and Response to Interrogatory No. 11:**

Subject to and without waiving the ASPCA's previous objections to this Interrogatory, ASPCA supplements its response to this Interrogatory by stating that it has received limited complaints regarding its enforcement of the New York City carriage horse laws and regulations.

**Interrogatory No. 13:** Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

**Objections and Response to Interrogatory No. 13:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its prior responses to this Interrogatory with the following lists of documents and videos incorporated by reference. These are documents and videos that have been produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory:

Documents: FELD 3400-4076; FEI 3166-3172, 21244; PL 964 965, 2421, 9078-9079, 9082, 9084-9089, 9158, 9276-9278, 9276-9278, 14659-14660, 14932, 14943-14944, 15072-15073, 15089-15096, 15102, 15106, 15118, 15120, 15121-15126, 15139-15145, 15148-15050, 15540-15577, 15579, 15582, 15584, 15585, 15588, 15590, 15593, 15595, 15597-15603, 15611-15623, 15628-15632, 15635-15637, 15640-15644, 15710-15727, 15729-15730; AWI 2608, 2609, 6659.

Videos: FEI 45224, 45237, 45238, 45242; PL 14896, 14906, 14907, 14908, 14910, 14911, 14912, 14913, 14914, 14915; Blue Unit Inspection Video; CEC Inspection Video.

**Interrogatory No. 15:** Describe each incident in which you contend that one of defendants' elephants has exhibited "stereotypic behavior," including the name of the elephant allegedly involved.

**Objection and Response to Interrogatory No. 15:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its prior responses to this Interrogatory with the following lists of documents and video footage incorporated by reference. These are documents and footage that have been produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory:

Documents: PL 9133, 9135.

Videos: FEI 45217, 45238, 45242; PL 14906, 14907, 14908, 14910, 14911; Blue Unit Inspection Video; CEC Inspection Video.

**Interrogatory No. 16:** Describe every communication that you, any of your employees or volunteers, or any person acting on your behalf or at your behest has had with any current or former employee of defendants since 1996.



**Objection and Response to Interrogatory No. 16:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that Lisa Weisberg, Senior Vice President for Government Affairs and Public Policy, has had conversations with Tom Rider in which they have discussed Mr. Rider's media and public education efforts on behalf of circus elephants. These conversations have been ruled to be irrelevant by the Court, and are also protected by the ASPCA's First Amendment right of association.

**Interrogatory No. 17:** Describe any and all positions you have taken, held, or espoused as regards the presentation of elephants in circuses, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

**Objection and Response to Interrogatory No. 17:**

Subject to and without waiving its previous objections to this Interrogatory, additional information concerning positions ASPCA has taken with respect to the treatment of elephants in circuses is available in the following documents produced by ASPCA: A 1251-1253. ASPCA further states that the "manner" in which it communicates its position is also evidenced by those same documents.

**Interrogatory No. 18:** Describe any and all positions you have taken, held, or espoused as regards the use of ankuses to train, handle, or care for elephants, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

**Objection and Response to Interrogatory No. 18:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that additional information on its positions regarding the bull hook are contained in the following documents produced by ASPCA: A 1251-1253. ASPCA states that the “manner” in which its position regarding the bull hook is communicated to others is also reflected in those same documents.

**Interrogatory No. 19:** Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Bros. and Barnum & Bailey Circus.

**Objection and Response to Interrogatory No. 19:**

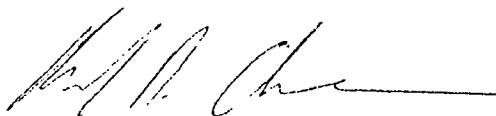
Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that it has continued to have conversations with the other plaintiffs and their lawyers about legal strategies in this case, the evidence that plaintiffs may rely on, the status of this litigation, and the status of Feld Entertainment, Inc. v. American Society for the Prevention of Cruelty to Animals, et al., Civ. No. 07-1532 (EGS), all of which are protected by the attorney-client and attorney work product privileges, as well as the common interest doctrine. It has also had conversations with the other plaintiffs and their lawyers concerning strategies for obtaining media and legislative attention for the issue of elephants in circuses, all of which have been ruled to be irrelevant by the Court, and are also protected by the ASPCA’s First Amendment right of association.

**Interrogatory No. 21:** Identify each resource you have expended from 1997 to the present in “advocating better treatment for animals held in captivity, including animals used for entertainment purposes” as alleged in the complaint, including the amount and purpose of each expenditure.

**Objection and Response to Interrogatory No. 21:**

Subject to and without waiving its previous objections to this Interrogatory, ASPCA estimates that in 2007 approximately \$500 was spent on advocating for the better treatment of animals in captivity. Additional information concerning funding that ASPCA has provided either directly or indirectly to support Tom Rider's media and public education campaign on behalf of elephants in circuses was provided in ASPCA's September 2007 supplemental interrogatory responses. Since those responses were submitted, ASPCA has provided no additional funds for Mr. Rider's media and public education campaign.

Objections respectfully submitted by,



Kimberly D. Ockene  
(D.C. Bar No. 461191)  
Katherine A. Meyer  
(D.C. Bar No. 244301)

Meyer Glitzenstein & Crystal  
1601 Connecticut Ave., N.W., Suite 700  
Washington, D.C. 20009  
(202) 588-5206

Dated: January 30, 2008

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE	)
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ANIMALS, <u>et al.</u> ,	)
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Civ. No. 03-2006 (EGS/JMF)

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2. I have read the foregoing supplemental objections and responses to defendant’s Interrogatories and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge.

  
Lisa Weisberg

Dated: January 30, 2008